

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**THIS DOCUMENT RELATES TO
THE CASES LISTED ON EXHIBIT A**

**PRETRIAL ORDER # 192
(Docket Control Order – Wave 1 Cases)**

At my request, the parties recently submitted a joint list of 200 of the oldest cases in the Ethicon MDL that name only the Ethicon, Inc., Ethicon, LLC and/or Johnson & Johnson (the “Ethicon defendants”) or allege claims against only the Ethicon defendants’ products. These cases, attached hereto as Exhibit A, will be known as the “Ethicon Wave 1 cases,” and it is **ORDERED** as follows:

A. SCHEDULING DEADLINES. The following deadlines shall apply in the Ethicon Wave 1 cases:

Plaintiff Fact Sheets.	10/19/2015
Defendant Fact Sheets.	11/19/2015
Deadline for written discovery requests.	01/04/2016
Expert disclosure by party with burden of proof.	12/17/2015
Expert disclosure by opposing party.	01/18/2016
Expert disclosure for rebuttal purposes.	02/01/2016
Deposition deadline and close of discovery.	02/16/2016
Filing of dispositive and <i>Daubert</i> motions.	03/07/2016
Responses to dispositive and <i>Daubert</i> motions.	03/21/2016
Reply to response to dispositive and <i>Daubert</i> motions.	03/28/2016

1. **Discovery Completion Date.** The last date to complete depositions shall be the “discovery completion date” by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed.

2. **Limitations on Interrogatories, Requests for Admissions and Depositions.** The following limitations apply:

- a. Defendants are limited to 10 interrogatories and 10 requests for admission per plaintiff.
- b. Plaintiffs are limited to 10 interrogatories and 10 requests for admission to the Ethicon defendants.
- c. Depositions of plaintiff’s friends and family members may be taken at any time prior to trial provided the deposition is requested before the discovery completion date.
- d. Depositions of any witness are limited to 3 hours absent agreement of the parties.
- e. The court will consider modifications to the above limitations upon good cause shown.

3. **Limitations on Experts.** The following limitations related to experts apply:

- a. The parties may conduct general and specific expert discovery on the products at issue in Ethicon Wave 1. In light of the bellwether trials that already occurred and the substantial discovery conducted to date on the Ethicon defendants’ products, the parties are cautioned not to engage in duplicative general expert discovery, but instead, to tailor their discovery to

the remaining Ethicon defendants' products at issue (to the extent such discovery is necessary), supplementing any discovery already completed and conducting specific causation discovery for the Ethicon Wave 1 plaintiffs. In light of the common products involved in Ethicon Wave 1, the likelihood of overlap in expert opinion from one case to another (except as to specific causation) and the need to streamline discovery in these cases, **each side is limited to no more than five (5) experts per case (exclusive of treating physicians)**. It is the court's expectation that these experts will overlap for plaintiffs who have the same product(s), to some extent, if not entirely.

- b. The parties shall coordinate the depositions of general causation experts. Insofar as multiple plaintiffs utilize the same general causation expert or experts, those experts shall be deposed only once on the issue of general causation. As to Bard's experts, plaintiffs are instructed to choose a lead questioner.
- c. The court encourages the coordination of depositions of specific causation experts to the extent there is overlap in the parties' use of specific causation experts for multiple plaintiffs.
- d. The court will consider modifications to the above limitations upon good cause shown.

B. MOTION PRACTICE.

1. **Early Dispositive Motions.** If discovery (e.g., the deposition of plaintiff and her implanting physician) reveals facts that could support a motion that would be dispositive of the

entirety of a plaintiff's claims (e.g., causation, the statute of limitations), either party may seek the court's leave *in the individual member case* to file an early dispositive motion on that issue. If such leave is granted, the court shall set a briefing schedule at that time.

2. **Daubert Motions.** For the filing of *Daubert* motions on general causation issues only, the parties are instructed to file one *Daubert* motion per expert in the main MDL (MDL 2327) instead of the individual member case. Each side may file one response and one reply in the main MDL to each *Daubert* motion. This limitation does not apply to specific causation *Daubert* motions, responses and replies. Specific causation *Daubert* motions, responses and replies must be filed in the individual member cases. To the extent an expert is both a general and specific causation expert, the parties may file a general causation motion in the main MDL 2327 and an individual specific causation motion in an individual member case.

3. **Hearings.** Hearing dates for dispositive and *Daubert* motions, if any, will be set at a future status conference.

4. **Page Limitations.** The page limitations provided in Local Rule of Civil Procedure 7.1(a)(2) apply to memoranda in support of all dispositive and *Daubert* motions, oppositions, and replies, and the court will not be inclined to grant motions to exceed the page limit.

5. **Confidential Documents.** In the past, the court has permitted parties to file placeholder exhibits in support of *Daubert*, dispositive and other motions, responses and replies in the place of confidential documents that may be sealed and then, within five days, redact/dedesignate the documents or file a motion to seal. *Moving forward, the court will no longer permit this practice. Parties may no longer file placeholder exhibits.* The court expects leadership counsel for plaintiffs and the Ethicon defendants to resolve issues related to confidential designations well before the filing of motions. Filings containing placeholder

exhibits will be struck. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: A consolidated motion to seal is due on or before **February 8, 2016**, any response is due **February 16, 2016** and any reply is due **February 23, 2016**.

6. **Locations of Filings.** With the exception of the general causation *Daubert* motions as outlined above, the parties are reminded that they must file dispositive and *Daubert* motions on specific causation, responses and replies in the applicable member cases only, not in the Ethicon MDL.

C. CASES READY FOR TRANSFER, REMAND OR TRIAL

1. **Venue Recommendations.** By no later than **January 11, 2016**, the parties shall meet and confer concerning the appropriate venue for each of the cases, and the parties shall submit joint venue recommendations to the court by **January 19, 2016**. The parties' joint recommendation(s) shall identify the cases about which the recommended venue is in dispute. The court may then request briefing concerning the venue for those cases about which the parties disagree. Each party reserves the right to object to the venue selected by its adversary or the court.

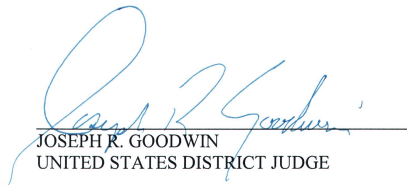
2. **Transfer and Remand.** At the conclusion of pre-trial proceedings, the court, pursuant to PTO # 15 and 28 U.S.C. § 1404(a), will transfer each directly-filed case to a federal district court of proper venue as defined in 28 U.S.C. § 1391. In the alternative, pursuant to PTO # 15 and 28 U.S.C. § 1407, cases that were transferred to this court by the MDL panel shall be

remanded for further proceedings to the federal district court from which each such case was initially transferred.¹

3. **Trial Settings.** If a case is to be tried in the United States District Court for the Southern District of West Virginia (either by agreement of the parties or where venue in the Southern District is determined to be proper by the court), the case shall be deemed trial-ready when discovery is completed and the court rules on the parties' pretrial motions. The trial date for cases transferred or remanded to other federal district courts shall be set by the judge to whom the transferred or remanded case is assigned (including the undersigned through intercourt assignment).

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and in the cases listed on Exhibit A. The court further **DIRECTS** the Clerk to designate these cases as Ethicon Wave 1 cases on the docket. In cases subsequently filed in this district after 2:15-cv-12499, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: August 19, 2015


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

¹As expressly contemplated by PTO # 15, the Ethicon defendants do not waive their right to seek transfer—pursuant to 28 U.S.C. § 1406(a) or any other available ground—of any case to a court of proper venue, regardless of whether that case was transferred to or directly-filed in the Southern District of West Virginia.

Exhibit A to PTO # 192

Case No.	Case Style
2:11-cv-00809	Wilma Johnson v. Ethicon, et al.
2:12-cv-00256	Amy and Brent Holland v. Ethicon, et al.
2:12-cv-00258	Carrie Smith v. Ethicon, et al.
2:12-cv-00261	Mary F. Cone v. Ethicon, et al.
2:12-cv-00265	Doris Chappell Jackson v. Ethicon, et al.
2:12-cv-00276	Cathy and John Warlick v. Ethicon, et al.
2:12-cv-00277	Joy and Kevin Essman v. Ethicon, et al.
2:12-cv-00279	Susan Thaman v. Ethicon, et al.
2:12-cv-00286	Quillan R. and Thomas W. Garnett v. Ethicon, et al.
2:12-cv-00322	Linda B. Ryan v. Ethicon, et al.
2:12-cv-00335	Sandra Wolfe v. Ethicon, et al.
2:12-cv-00337	Kathleen Wolfe v. Ethicon, et al.
2:12-cv-00341	Helen M. Brown and Robert E. Ruttkay v. Ethicon, et al.
2:12-cv-00344	Rose and Jesus Gomez v. Ethicon, et al.
2:12-cv-00347	Deborah and Felipe Lozano v. Ethicon, et al.
2:12-cv-00351	Kathy Barton v. Ethicon, et al.
2:12-cv-00352	Charlotte Hargrove v. Ethicon, et al.
2:12-cv-00358	Amanda and Raymond Deleon v. Ethicon, et al.
2:12-cv-00368	Sharon and Michael Boggs v. Ethicon, et al.
2:12-cv-00369	Dawna Hankins v. Ethicon, et al.
2:12-cv-00376	Charlene Logan Taylor v. Ethicon, et al.
2:12-cv-00378	Tina and Kenneth Morrow v. Ethicon, et al.
2:12-cv-00379	Teri Key and Johnny Shively v. Ethicon, et al.
2:12-cv-00380	Terrie S. and Ralph R. Gregory v. Ethicon, et al.
2:12-cv-00381	Susan C. and Leonard Hayes v. Ethicon, et al.
2:12-cv-00387	Maru LuEllen and Thomas Lawrence Kilday v. Ethicon, et al.
2:12-cv-00389	Janice Renee Swaney v. Ethicon, et al.
2:12-cv-00397	Deborah A. Smith v. Ethicon, et al.
2:12-cv-00401	Carol Jean Dimock v. Ethicon, et al.
2:12-cv-00423	Pamela Free v. Ethicon, et al.
2:12-cv-00443	Holy and Jason Jones v. Ethicon, et al.
2:12-cv-00455	Pamela Gray-Wheeler and Stan Wheeler v. Ethicon, et al.
2:12-cv-00468	Amelia R. and Ernest B. Gonzales v. Ethicon, et al.
2:12-cv-00469	Patricia Tyler v. Ethicon, et al.
2:12-cv-00470	Mary Jane and Daniel Olson v. Ethicon, et al.
2:12-cv-00476	Harriet Beach v. Ethicon, et al.
2:12-cv-00481	Miranda Patterson v. Ethicon, et al.
2:12-cv-00483	Carey Beth and David Cole v. Ethicon, et al.
2:12-cv-00485	Danni Laffoon v. Ethicon, et al.
2:12-cv-00486	Karen and Joel Forester v. Ethicon, et al.
2:12-cv-00489	Melissa and Charles Clayton v. Ethicon, et al.
2:12-cv-00490	Shirley and William Freeman v. Ethicon, et al.
2:12-cv-00491	Gwendolyn T. Young v. Ethicon, et al.
2:12-cv-00493	Nancy and Daniel Hooper v. Ethicon, et al.

Exhibit A to PTO # 192

Case No.	Case Style
2:12-cv-00494	Penelope Ann Link and Dan Richard Saurino v. Ethicon, et al.
2:12-cv-00495	Andrea Carol and Mark Thomas Chandlee v. Ethicon, et al.
2:12-cv-00496	Sonya M. and James R. Moreland v. Ethicon, et al.
2:12-cv-00497	Dina Sanders Bennett v. Ethicon, et al.
2:12-cv-00498	Myndal Johnson v. Ethicon, et al.
2:12-cv-00499	Kimberly Thomas v. Ethicon, et al.
2:12-cv-00500	Krystal and Gregory Teasley v. Ethicon, et al.
2:12-cv-00501	Jennifer and David Sikes v. Ethicon, et al.
2:12-cv-00504	Donna T. and James W. Pilgreen v. Ethicon, et al.
2:12-cv-00505	Mary and Kenneth Thurston v. Ethicon, et al.
2:12-cv-00506	Martha and Stuart Newman v. Ethicon, et al.
2:12-cv-00510	Charlene Miracle v. Ethicon, et al.
2:12-cv-00511	Nancy Williams v. Ethicon, et al.
2:12-cv-00516	Patricia Conti v. Ethicon, et al.
2:12-cv-00517	Joann Lehman v. Ethicon, et al.
2:12-cv-00539	Ann Louise Ruppel and Robert Dean Fuller v. Ethicon, et al.
2:12-cv-00540	Nancy and Kenneth Feidler v. Ethicon, et al.
2:12-cv-00547	Brenda and James Riddell v. Ethicon, et al.
2:12-cv-00548	Rhoda Schachtman v. Ethicon, et al.
2:12-cv-00554	Sharon and Gardner Carpenter v. Ethicon, et al.
2:12-cv-00555	Carolyn Sue Doyle v. Ethicon, et al.
2:12-cv-00567	Noemi and Cesar Padilla v. Ethicon, et al.
2:12-cv-00571	Mary Catherine Wise v. Ethicon, et al.
2:12-cv-00591	Beverly Kivel v. Ethicon, et al.
2:12-cv-00594	Frances Ann and Herman Cortez v. Ethicon, et al.
2:12-cv-00595	Mary and Thomas Hendrix v. Ethicon, et al.
2:12-cv-00601	Deanna Jean and Bennie G. Thomas v. Ethicon, et al.
2:12-cv-00609	Patricia O. Powell v. Ethicon, et al.
2:12-cv-00651	Robin Bridges v. Ethicon, et al.
2:12-cv-00652	Maria C. and Mark A. Stone v. Ethicon, et al.
2:12-cv-00654	Stacy and Kevin Shultis v. Ethicon, et al.
2:12-cv-00657	Judy G. Williams v. Ethicon, et al.
2:12-cv-00663	Ana Ruebel v. Ethicon, et al.
2:12-cv-00666	Donna and Leon Loustauanau v. Ethicon, et al.
2:12-cv-00669	Teresa and Ricky J. Stout v. Ethicon, et al.
2:12-cv-00679	Lisa and Henry Stevens v. Ethicon, et al.
2:12-cv-00683	Louise Grabowski v. Ethicon, et al.
2:12-cv-00736	Karen and Thomas Daniell v. Ethicon, et al.
2:12-cv-00737	Beth and Stuart Harter v. Ethicon, et al.
2:12-cv-00738	Sheri and Gary Scholl v. Ethicon, et al.
2:12-cv-00746	Margaret Kirkpatrick v. Ethicon, et al.
2:12-cv-00747	Karyn E. and Douglas E. Drake v. Ethicon, et al.
2:12-cv-00748	Myra abd Richard Byrd v. Ethicon, et al.
2:12-cv-00749	Jennifer D. and Willem C.J. Van Rensburg v. Ethicon, et al.

Exhibit A to PTO # 192

Case No.	Case Style
2:12-cv-00751	Raquel and Ernesto De La Torre v. Ethicon, et al.
2:12-cv-00755	Cheryl Lankston v. Ethicon, et al.
2:12-cv-00756	Dee and Michael Woolsey v. Ethicon, et al.
2:12-cv-00757	Barbara Jean and Keith Bridges v. Ethicon, et al.
2:12-cv-00759	Diane and Robert Matott v. Ethicon, et al.
2:12-cv-00760	Lois and Gerald Durham v. Ethicon, et al.
2:12-cv-00761	Barbara J. and Gary L. Ware v. Ethicon, et al.
2:12-cv-00762	Janet D. Jones v. Ethicon, et al.
2:12-cv-00765	Rachel and Dwan Taylor v. Ethicon, et al.
2:12-cv-00766	Kimberly Garnto v. Ethicon, et al.
2:12-cv-00767	Rebecca and Charles Oehring v. Ethicon, et al.
2:12-cv-00768	Sandra and Christian LaBadie v. Ethicon, et al.
2:12-cv-00769	Kimberly T. Burnham v. Ethicon, et al.
2:12-cv-00772	Harmony Minniefield v. Ethicon, et al.
2:12-cv-00773	Tina and Keith Patterson v. Ethicon, et al.
2:12-cv-00779	Dee and Timothy McBrayer v. Ethicon, et al.
2:12-cv-00783	Wendy Hagans v. Ethicon, et al.
2:12-cv-00784	Schultz et al v. Ethicon, Inc. et al
2:12-cv-00786	Swint et al v. Ethicon, Inc et al
2:12-cv-00787	Joplin v. Ethicon, Inc et al
2:12-cv-00799	Quijano v. Ethicon, Inc. et al
2:12-cv-00800	Morrison et al v. Ethicon, Inc et al
2:12-cv-00806	Hill et al v. Ethicon, Inc. et al
2:12-cv-00807	Sweeney et al v. Ethicon, Inc. et al
2:12-cv-00811	Zoltowski et al v. Johnson & Johnson et al
2:12-cv-00821	Barr et al v. Ethicon, Inc. et al
2:12-cv-00828	Nix et al v. Ethicon, Inc. et al
2:12-cv-00829	Georgilakis et al v. Ethicon, Inc et at
2:12-cv-00830	Parrilla v. Ethicon, Inc. et al
2:12-cv-00842	Stubblefield v. Ethicon, Inc. et al
2:12-cv-00846	Raines et al v. Ethicon, Inc. et al
2:12-cv-00848	Fisk v. Ethicon, Inc et al
2:12-cv-00854	Ballard et al v. Ethicon, Inc et al
2:12-cv-00856	Massicot v. Ethicon, Inc. et al
2:12-cv-00859	Olmstead v. Ethicon, Inc. et al
2:12-cv-00860	Pelton v. Ethicon, Inc. et al
2:12-cv-00861	Smith et al v. Ethicon, Inc. et al
2:12-cv-00863	Gunter et al v. Ethicon, Inc
2:12-cv-00864	Nolan v. Ethicon, Inc. et al
2:12-cv-00867	Rock v. Ethicon et al
2:12-cv-00873	Walker et al v. Ethicon, Inc. et al
2:12-cv-00875	Holzerland et al v. Ethicon, Inc. et al
2:12-cv-00876	Hoy et al v. Ethicon, Inc. et al
2:12-cv-00878	Fox et al v. Johnson & Johnson, Inc. et al

Exhibit A to PTO # 192

Case No.	Case Style
2:12-cv-00880	Massey et al v. Ethicon, Inc. et al
2:12-cv-00883	Wroble et al v. Ethicon, Inc et al
2:12-cv-00886	Umberger et al v. Ethicon, Inc. et al
2:12-cv-00887	Kaiser et al v. Johnson & Johnson et al
2:12-cv-00888	Bruhn et al v. Ethicon, Inc et al
2:12-cv-00899	Barker et al v. Ethicon, Inc. et al
2:12-cv-00921	Wilson v. Ethicon, Inc et al
2:12-cv-00923	Atemnkeng et al v. Ethicon, Inc. et al
2:12-cv-00931	Collins v. Ethicon, Inc. et al
2:12-cv-00938	Kriz et al v. Ethicon, Inc. et al
2:12-cv-00939	Reyes et al v. Ethicon, Inc. et al
2:12-cv-00956	Justus v. Ethicon, Inc. et al
2:12-cv-00957	Funderburke v. Ethicon, Inc. et al
2:12-cv-00958	White et al v. Ethicon, Inc. et al
2:12-cv-00960	Amsden et al v. Ethicon, Inc. et al
2:12-cv-00961	Greene v. Ethicon, Inc. et al
2:12-cv-00967	Shepherd v. Ethicon, Inc. et al
2:12-cv-00995	Blake et al v. Ethicon, Inc. et al
2:12-cv-00997	Springer et al v. Ethicon, Inc. et al
2:12-cv-01004	Frye v. Ethicon, Inc. et al
2:12-cv-01011	Hankins et al v. Ethicon, Inc. et al
2:12-cv-01013	Lee et al v. Ethicon, Inc. et al
2:12-cv-01018	Gwinn et al v. Ethicon, Inc. et al
2:12-cv-01021	Ruiz v. Ethicon, Inc. et al
2:12-cv-01023	Burkhart v. Ethicon, Inc. et al
2:12-cv-01052	Babcock v. Ethicon, Inc. et al
2:12-cv-01053	Baugher v. Ethicon, Inc. et al
2:12-cv-01071	Schnering et al v. Ethicon, Inc. et al
2:12-cv-01081	Dixon v. Ethicon, Inc. et al
2:12-cv-01088	Wheeler et al v. Ethicon, Inc. et al
2:12-cv-01090	Wright v. Ethicon, Inc. et al
2:12-cv-01119	Rhynehart v. Ethicon, Inc. et al
2:12-cv-01121	Guinn v. Ethicon, Inc. et al
2:12-cv-01124	Bellito-Stanford et al v. Ethicon, Inc. et al
2:12-cv-01145	Constance Daino v. Ethicon, Inc. et al
2:12-cv-01146	Monica Freitas v. Ethicon, Inc. et al
2:12-cv-01148	Denise Sacchetti v. Ethicon, Inc. et al
2:12-cv-01149	Cindy Smith v. Ethicon, Inc. et al
2:12-cv-01150	Roberta Warmack v. Ethicon, Inc. et al
2:12-cv-01151	Laura Waynick v. Ethicon, Inc. et al
2:12-cv-01171	Patti Ann Phelps v. Ethicon, Inc. et al
2:12-cv-01198	Stacy Pangborn v. Ethicon, Inc. et al
2:12-cv-01199	Lisa Thompson v. Ethicon, Inc. et al
2:12-cv-01202	Diane Kropf v. Ethicon, Inc. et al

Exhibit A to PTO # 192

Case No.	Case Style
2:12-cv-01203	Joan Adams v. Ethicon, Inc. et al
2:12-cv-01206	Jeanie Holmes v. Ethicon, Inc. et al
2:12-cv-01215	Karen Bollinger v. Ethicon, Inc. et al
2:12-cv-01216	Christine Wiltgen v. Ethicon, Inc. et al
2:12-cv-01225	Ida Deanne Evans v. Ethicon, Inc. et al
2:12-cv-01262	Saundra Landes v. Ethicon, Inc. et al
2:12-cv-01267	Angela Coleman v. Ethicon, Inc. et al
2:12-cv-01273	Rebekah Barlett v. Ethicon, Inc. et al
2:12-cv-01274	Janice Colonna v. Ethicon, Inc. et al
2:12-cv-01275	Long v. Johnson & Johnson et al
2:12-cv-01277	Duncan v. Ethicon, Inc et al
2:12-cv-01278	Nix v. Ethicon, Inc. et al
2:12-cv-01279	Bertoni et al v. Ethicon, Inc. et al
2:12-cv-01283	Cyrus v. Ethicon, Inc. et al
2:12-cv-01284	Floyd v. Ethicon, Inc. et al
2:12-cv-01285	Simpson et al v. Ethicon, Inc. et al
2:12-cv-01286	Wilson v. Ethicon, Inc. et al
2:12-cv-01293	Costello v. Ethicon, Inc. et al
2:12-cv-01294	Herrera-Nevarez v. Ethicon, Inc
2:12-cv-01299	Destefano-Rasten et al v. Ethicon, Inc. et al
2:12-cv-01304	Irwin et al v. Ethicon, Inc. et al
2:12-cv-01305	Lager v. Ethicon, Inc. et al
2:12-cv-01311	Ridgley et al v. Ethicon, Inc. et al
2:12-cv-01318	Banks v. Johnson & Johnson, Inc. et al

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**THIS DOCUMENT RELATES TO
ETHICON WAVE 2 CASES**

**PRETRIAL ORDER # 206
(Docket Control Order – Wave 2 Cases)**

At my request, the parties recently submitted a joint list of 200 of the oldest cases in the Ethicon MDL (not already in Ethicon Wave 1) that name only Ethicon, Inc., Ethicon, LLC and/or Johnson & Johnson (the “Ethicon defendants”) or allege claims against only the Ethicon defendants’ products. These cases, attached hereto as Exhibit A, will be known as the “Ethicon Wave 2 cases,” and it is **ORDERED** as follows:

A. SCHEDULING DEADLINES. The following deadlines shall apply in the Ethicon Wave 2 cases:

Plaintiff Fact Sheets.	01/19/2016
Defendant Fact Sheets.	02/19/2016
Deadline for written discovery requests.	04/05/2016
Expert disclosure by plaintiffs.	05/05/2016
Expert disclosure by defendants.	06/03/2016
Expert disclosure for rebuttal purposes.	06/17/2016
Deposition deadline and close of discovery.	07/01/2016
Filing of Dispositive Motions.	07/08/2016
Response to Dispositive Motions.	07/25/2016
Reply to response to dispositive motions.	08/04/2016
Filing of <i>Daubert</i> motions.	07/21/2016
Responses to <i>Daubert</i> motions.	08/08/2016
Reply to response to <i>Daubert</i> motions.	08/18/2016

1. **Discovery Completion Date.** The last date to complete depositions shall be the “discovery completion date” by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed.

2. **Limitations on Interrogatories, Requests for Admissions and Depositions.**
The following limitations apply:

- a. Defendants are limited to 10 interrogatories and 10 requests for admission per plaintiff.
- b. Plaintiffs are limited to 10 interrogatories and 10 requests for admission to the Ethicon defendants.
- c. In each individual member case, no more than 4 treating physicians may be deposed.¹
- d. Depositions of plaintiff’s friends and family members may be taken at any time prior to trial provided the deposition is requested before the discovery completion date.
- e. Depositions of any witness are limited to 3 hours absent agreement of the parties.
- f. The court will consider modifications to the above limitations upon good cause shown.

3. **Limitations on Experts.** The following limitations related to experts apply:

¹ To the extent disputes arise regarding the division of time between the parties for the deposition of treating physicians (three hours total absent agreement), I will address those disputes, rather than the assigned Magistrate Judge, Judge Eifert.

- a. The parties may conduct general and specific expert discovery on the products at issue in Ethicon Wave 2. In light of the bellwether trials that already occurred and the substantial discovery conducted to date on the Ethicon defendants' products, the parties are cautioned not to engage in duplicative general expert discovery, but instead, to tailor their discovery to the remaining Ethicon defendants' products at issue (to the extent such discovery is necessary), supplementing any discovery already completed and conducting specific causation discovery for the Ethicon Wave 2 plaintiffs. In light of the common products involved in Ethicon Wave 2, the likelihood of overlap in expert opinion from one case to another (except as to specific causation) and the need to streamline discovery in these cases, **each side is limited to no more than five (5) experts per case (exclusive of treating physicians)**. It is the court's expectation that these experts will overlap for plaintiffs who have the same product(s), to some extent, if not entirely.
- b. The parties shall coordinate the depositions of general causation experts. Insofar as multiple plaintiffs utilize the same general causation expert or experts, those experts shall be deposed only once on the issue of general causation. As to Ethicon's experts, plaintiffs are instructed to choose a lead questioner.
- c. The court encourages the coordination of depositions of specific causation experts to the extent there is overlap in the parties' use of specific causation experts for multiple plaintiffs.

- d. The court will consider modifications to the above limitations upon good cause shown.

B. MOTION PRACTICE.

1. **Early Dispositive Motions.** If discovery (e.g., the deposition of plaintiff and her implanting physician) reveals facts that could support a motion that would be dispositive of the *entirety* of a plaintiff's claims (e.g., causation, the statute of limitations), either party may seek the court's leave *in the individual member case* to file an early dispositive motion on that issue. If such leave is granted, the court shall set a briefing schedule at that time.

2. **Daubert Motions.** For the filing of *Daubert* motions on general causation issues only, the parties are instructed to file one *Daubert* motion per expert in the main MDL (MDL 2327) instead of the individual member case. Each side may file one response and one reply in the main MDL to each *Daubert* motion. This limitation does not apply to specific causation *Daubert* motions, responses and replies. Specific causation *Daubert* motions, responses and replies must be filed in the individual member cases. To the extent an expert is both a general and specific causation expert, the parties may file a general causation motion in the main MDL 2327 and an individual specific causation motion in an individual member case.

3. **Hearings.** Hearing dates for dispositive and *Daubert* motions, if any, will be set at a future status conference.

4. **Page Limitations.** The page limitations provided in Local Rule of Civil Procedure 7.1(a)(2) apply to memoranda in support of all dispositive and *Daubert* motions, oppositions, and replies, and the court will not be inclined to grant motions to exceed the page limit.

5. **Confidential Documents.** In the past, the court has permitted parties to file placeholder exhibits in support of *Daubert*, dispositive and other motions, responses and replies in

the place of confidential documents that may be sealed and then, within five days, redact/dedesignate the documents or file a motion to seal. *Moving forward, the court will no longer permit this practice. Parties may no longer file placeholder exhibits.* The court expects leadership counsel for plaintiffs and the Ethicon defendants to resolve issues related to confidential designations well before the filing of motions. Filings containing placeholder exhibits will be struck. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: A consolidated motion to seal is due on or before **June 10, 2016**, any response is due **June 20, 2016** and any reply is due **June 30, 2016**.

6. **Locations of Filings.** With the exception of the general causation *Daubert* motions as outlined above, the parties are reminded that they must file dispositive and *Daubert* motions on specific causation, responses and replies in the applicable member cases only, not in the Ethicon MDL.

C. CASES READY FOR TRANSFER, REMAND OR TRIAL

1. **Venue Recommendations.** By no later than **May 16, 2016**, the parties shall meet and confer concerning the appropriate venue for each of the cases, and the parties shall submit joint venue recommendations to the court by **May 24, 2016**. The parties' joint recommendation(s) shall identify the cases about which the recommended venue is in dispute. The court may then request briefing concerning the venue for those cases about which the parties disagree. Each party reserves the right to object to the venue selected by its adversary or the court.

2. **Transfer and Remand.** At the conclusion of pre-trial proceedings, the court, pursuant to PTO # 15 and 28 U.S.C. § 1404(a), will transfer each directly-filed case to a federal district court of proper venue as defined in 28 U.S.C. § 1391. In the alternative, pursuant to PTO

15 and 28 U.S.C. § 1407, cases that were transferred to this court by the MDL panel shall be remanded for further proceedings to the federal district court from which each such case was initially transferred.²

3. **Trial Settings.** If a case is to be tried in the United States District Court for the Southern District of West Virginia (either by agreement of the parties or where venue in the Southern District is determined to be proper by the court), the case shall be deemed trial-ready when discovery is completed and the court rules on the parties' pretrial motions. The trial date for cases transferred or remanded to other federal district courts shall be set by the judge to whom the transferred or remanded case is assigned (including the undersigned through intercourt assignment).

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and in the Ethicon Wave 2 cases identified in Exhibit A. In cases subsequently filed in this district after 2:15-cv-15339, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: November 20, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

²As expressly contemplated by PTO # 15, the Ethicon defendants do not waive their right to seek transfer—pursuant to 28 U.S.C. § 1406(a) or any other available ground—of any case to a court of proper venue, regardless of whether that case was transferred to or directly-filed in the Southern District of West Virginia.

EXHIBIT A

Case	Civil Action Number
Ankenman, Cathleen & John J.	2:12cv00872
Kowalski, Judith Mary	2:12cv01323
Hart, Mary Ann & William J.	2:12cv01326
Schroeder, Carreen & Matthew	2:12cv01327
Almendarez, Angela M.	2:12cv01329
Hines, Lynn & Gregory	2:12cv01331
Rose, Lola	2:12cv01336
Vandergriff, Debbie & Carl	2:12cv01342
Eaton, Cynthia & Frank	2:12cv01348
Aldrich, Jacqueline Marie & Darryl	2:12cv01364
Higgins, Susan & Bob	2:12cv01365
McDonald, Maria & Thomas	2:12cv01366
Glasgow, Carol	2:12cv01367
Valle, Maritza	2:12cv01368
Thomas, Mary	2:12cv01370
Fitzgerald, Alina & Christopher	2:12cv01371
Boudreau, Linda L. & Charles J.	2:12cv01373
Simpson, Sherry Gill & Ricky	2:12cv01414
Watson, Sandra Rosalie & Earl L.	2:12cv01426
Brady, Victoria Lee & Maurice Joseph	2:12cv01428
Mickle, Karen	2:12cv01432
Grayson, Pamela Sue	2:12cv01435
Pocztowski, Debra	2:12cv01470
Perry, Mary Lou	2:12cv01477
Ford, Deborah K. & Donald K. Blowers, Jr.	2:12cv01486
Brown, Valerie	2:12cv01489
Blackston, Ossie & John	2:12cv01493
Martin, Diann & Donald	2:12cv01495
Schomer, Margaret A.	2:12cv01497
Smith, Patricia G. & Mark	2:12cv01498
Cruse, Peggy D.	2:12cv01501
Raney, Barbara A. & Marcus	2:12cv01507
Espinoza, Rhondi	2:12cv01517
Majors, Jennifer A. & Jonathan S.	2:12cv01523
Flanigan, Iris & Earl David	2:12cv01524
Gologan, Didina & Alexandru	2:12cv01528
Burton, Kimberly Lee & Christopher Carl	2:12cv01529

Chase, Alvette	2:12cv01533
McGathey, Elizabeth M.	2:12cv01538
Ferguson, Teresa	2:12cv01544
Crews, Lillie Harriet & Wain E.	2:12cv01549
Spitzner, Bobbie Dianne & James W.	2:12cv01552
Sanders, Melissa & Charles, Jr.	2:12cv01562
Amidei, Betty	2:12cv01563
Childress, Sandra & Timothy	2:12cv01564
Cottrell, Teresa & Joe Palazzolo	2:12cv01565
Harper, Kathy	2:12cv01567
Wilson, Marcia & Robert	2:12cv01568
Rasos, Katherine	2:12cv01599
Walkingstick, Margaret Christine	2:12cv01616
Smythia, Rebecca	2:12cv01622
Smith, Andora	2:12cv01623
Lindberg, Patricia & Carl	2:12cv01637
Perez, Leezel & Jeffrey	2:12cv01640
Cole, Phyllis Smith & Willie Ray	2:12cv01645
Guffey, Gail	2:12cv01650
Hatfield, Nona & Billy Ray	2:12cv01657
Moore, Phyllis	2:12cv01659
Cooper, Jennifer & Dave	2:12cv01660
Carter, Tamara & David	2:12cv01661
Smallwood, Nancy & Leon, Sr.	2:12cv01662
Glenn, Rhonda & Era Fox, III	2:12cv01663
Allen, Diana & Timothy	2:12cv01676
Fleck, Jean E.	2:12cv01681
Lenz, Debera & Robert	2:12cv01692
Mooney, Konnie L. & James	2:12cv01695
Miller, Mona	2:12cv01696
Bailey, Pamela & Houston	2:12cv01700
Cedeno, Joyce	2:12cv01701
Colbert, Rhonda & Joseph	2:12cv01702
Hoch, Susan & Christopher	2:12cv01703
Johnson, Cynthia & Robert	2:12cv01704
Meyer, Linda & Steve	2:12cv01705
Muir, Marilyn & Scott	2:12cv01706
Shelton, Mary & Frank	2:12cv01707
Shennum, Janice	2:12cv01708
Swanson, Karen & Thomas	2:12cv01709
Parker, Belinda	2:12cv01710

Hutchison, Deanna Gail	2:12cv01711
Suter, Carol Ann & Troy W.	2:12cv01712
Denton, Shirley & Marvin	2:12cv01719
Frazier, Margaret & William Allen	2:12cv01731
Raines, Myra & Kenneth	2:12cv01735
Rhodes, Rebecca & Scott	2:12cv01736
Sidwell, Loretta & Jimmy	2:12cv01737
Williamson, Betty & Donald	2:12cv01739
Gibson, Susan & Michael	2:12cv01740
Savage, Stacey D. & Ebbie E. Ferrell	2:12cv01743
Blevins, Vickie Lea & Robert Oliver	2:12cv01746
Slade, Sebrina & Eric	2:12cv01753
Paris, Christin & Michael	2:12cv01759
Young, Tina L. & Jeffrey	2:12cv01772
Patrick, Lottie M. & John D.	2:12cv01776
Lane, Ann Jennette & Daniel Mark	2:12cv01785
Cutter, Jenesta & Larry A.	2:12cv01790
Burnett, Mary K.	2:12cv01795
Heuer, Myra	2:12-cv-01796
Hammett, Carolyn R.	2:12cv01802
Brookman, Lesley Mitchell & Michael	2:12cv01803
Merten, Janet & Gerard	2:12cv01817
Zutovsky, Linda & Leonard	2:12cv01818
Sierra, Ana & Luis	2:12cv01819
Hemingway, Veda & Gary	2:12cv01829
Strickland, Deborah J. & Matthew	2:12cv01830
Guy, Sheryl C.	2:12cv01831
Gray, Wanda	2:12cv01832
Abell, Emily S. & Michael K.	2:12cv01833
Bishop, Cheryl L.	2:12cv01834
Symank, Bernie & Herman	2:12cv01836
Franklin, Betty	2:12cv01837
Gallehugh, Michelle & Ronnie	2:12cv01838
Parton, Lori Anne Copeland, Executrix of the Estate of Sue Bilbrey Copeland, deceased	2:12cv01848
Peterson, Winnie Elise	2:12cv01849
Jernigan, Joan E. & Fred T.	2:12cv01850
Luna, Tracy L.	2:12cv01853
Hays, Brenda & Roger	2:12cv01855
Sutton, Martha	2:12cv01857
Hensley, Mary M.	2:12cv01858

Bowles, Phyllis & Charles	2:12cv01865
Rogers, Ruby G. & Dwayne L.	2:12cv01877
Irwin, Priscilla A. & Daniel S.	2:12cv01878
Dycus, Myrtle Frances	2:12cv01879
Henry, Lana & Phillip Dean	2:12cv01938
Garland, Marian	2:12cv01939
Young-Poole, Brenda	2:12cv01962
Riggs, Donna & Gary	2:12cv01967
Zapata, Sandra	2:12cv01972
Slocumb, Kathryn	2:12cv01974
Hughes, Brenda L. & Ronnie	2:12cv01976
Poole, Cheryl & Kenneth	2:12cv01978
Devoe, Debra & Randy	2:12cv01979
Moon, Carolyn	2:12cv01980
Covington-Branker, Barbara M. & Brian B.	2:12cv01983
Cope, Michele A. & Barry	2:12cv01984
De Forrest, Patricia Ann & John H.	2:12cv01985
Cambre, Terri L.	2:12cv01986
Trimper, Carolyn S.	2:12cv01987
West, Peggy Sue & Larry R.	2:12cv01988
Phillips, Eleanor F. & John R.	2:12cv01989
Higgins, Anna R.	2:12cv01990
Brennon, Rebecca J.	2:12cv01995
Carr, Gwendolyn N. & Rundell D.	2:12cv01996
Bates, Diane	2:12cv02020
Bowers, Betty Jean	2:12cv02022
Beard, Gavie & Kenneth	2:12cv02025
Carroll, Margaret	2:12cv02026
Gullett, Brenda & Carl	2:12cv02027
Maddox, Brenda	2:12cv02028
Martin, Phyllis	2:12cv02029
Peterson, Tracy & Kevin	2:12cv02030
Reed, Deborah F. & Dale K.	2:12cv02059
Chrysler, Marion	2:12cv02060
Heddle, Bridget	2:12cv02071
Pratt, Cathy	2:12cv02072
Hernandez, Toni	2:12cv02073
Dawson, Kristen	2:12cv02074
Daugherty, Angela & Jimmy	2:12cv02076
Marshall, Natalie C. & David R.	2:12cv02077
Hand, Wanda M. & Charles W.	2:12cv02079

Burns-Martin, Dayna & Kevin	2:12cv02081
Brady, Deborah D.	2:12-cv-02086
Hicks, Shannon H. & James D.	2:12cv02094
McClain, Barbara Sue	2:12cv02095
Roberts, Brenda C. & Dwight	2:12cv02096
Clay, Crystal Lynn	2:12cv02097
Wilson, Tina	2:12cv02099
Scott, Teresa	2:12cv02100
Bishop, Jessie	2:12cv02101
Whinery, Joyce	2:12cv02102
Nelson, Kathryn M.	2:12cv02103
Loomis, Barbara & Dighton	2:12cv02104
Minogue, Bridgette	2:12cv02112
Doucette, Karen L.	2:12cv02125
Dunham, Lynne & David	2:12cv02131
Ursini, Tara	2:12cv02132
Anderson, Elaine	2:12cv02134
Crabtree, Reba & Jack	2:12cv02135
Lary, Sheryl & Kevin E.	2:12cv02136
Manor, Kristy & John E., III	2:12cv02137
Maxwell, Bonnie	2:12cv02138
Lewis, Marlene	2:12cv02139
Messina, Laritza & John	2:12cv02140
Morrison, Laura	2:12cv02141
Panske-Phillips, Emma & Luther Y., Jr.	2:12cv02142
Phillips, Ramona	2:12cv02143
Pitts, Michelle	2:12cv02144
Green, Janice	2:12cv02148
Pippin, Laura & Donald	2:12cv02152
Bihlmeyer, Donna & Joe	2:12cv02159
Semere, Yvonne	2:12cv02160
Hreiz, Amy Elizabeth & Adel Elias	2:12cv02165
Villarreal, Katherine & Carlos	2:12cv02167
Ogletree, Linda J. & John A.	2:12cv02168
Partin, Patricia Graham	2:12cv02179
Pageau, Tina Marie	2:12cv02180
Lambert, Corrie Ann & Ronson	2:12cv02183
Martin, Patricia J. & Dennis R., Sr.	2:12cv02185
Miller, Rose M.	2:12cv02187
Pieper, Laura & Mike	2:12cv02189
Pridmore, Hope Elaine & James O.	2:12cv02190

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**THIS DOCUMENT RELATES TO
ETHICON WAVE 3 CASES**

**PRETRIAL ORDER # 210
(Docket Control Order – Wave 3 Cases)**

At my request, the parties recently submitted a joint list of 200 of the oldest cases in the Ethicon MDL (not already in Ethicon Waves 1 or 2) that name only Ethicon, Inc., Ethicon, LLC and/or Johnson & Johnson (the “Ethicon defendants”) or allege claims against only the Ethicon defendants’ products. These cases, attached hereto as Exhibit A, will be known as the “Ethicon Wave 3 cases,” and it is **ORDERED** as follows:

A. SCHEDULING DEADLINES. The following deadlines shall apply in the Ethicon

Wave 3 cases:

Plaintiff Fact Sheets.	03/21/2016
Defendant Fact Sheets.	04/19/2016
Deadline for written discovery requests.	06/06/2016
Expert disclosure by plaintiffs.	07/04/2016
Expert disclosure by defendants.	08/02/2016
Expert disclosure for rebuttal purposes.	08/16/2016
Deposition deadline and close of discovery.	08/30/2016
Filing of Dispositive Motions.	09/06/2016
Response to Dispositive Motions.	09/23/2016
Reply to response to dispositive motions.	10/03/2016
Filing of <i>Daubert</i> motions.	09/19/2016
Responses to <i>Daubert</i> motions.	10/07/2016
Reply to response to <i>Daubert</i> motions.	10/17/2016

1. **Discovery Completion Date.** The last date to complete depositions shall be the “discovery completion date” by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed.

2. **Limitations on Interrogatories, Requests for Admissions and Depositions.** The following limitations apply:

- a. Defendants are limited to 10 interrogatories and 10 requests for admission per plaintiff.
- b. Plaintiffs are limited to 10 interrogatories and 10 requests for admission to the Ethicon defendants.
- c. In each individual member case, no more than 4 treating physicians may be deposed.¹
- d. Depositions of plaintiff’s friends and family members may be taken at any time prior to trial provided the deposition is requested before the discovery completion date.
- e. Depositions of any witness are limited to 3 hours absent agreement of the parties.
- f. The court will consider modifications to the above limitations upon good cause shown.

3. **Limitations on Experts.** The following limitations related to experts apply:

¹ To the extent disputes arise regarding the division of time between the parties for the deposition of treating physicians (three hours total absent agreement), I will address those disputes, rather than the assigned Magistrate Judge, Judge Eifert.

- a. The parties may conduct general and specific expert discovery on the products at issue in Ethicon Wave 3. In light of the bellwether trials and Waves 1 and 2 and the substantial discovery conducted to date on the Ethicon defendants' products, the parties are cautioned not to engage in duplicative general expert discovery, but instead, to tailor their discovery to the remaining Ethicon defendants' products at issue (to the extent such discovery is necessary), supplementing any discovery already completed and conducting specific causation discovery for the Ethicon Wave 3 plaintiffs. In light of the common products involved in Ethicon Wave 3, the likelihood of overlap in expert opinion from one case to another (except as to specific causation) and the need to streamline discovery in these cases, **each side is limited to no more than five (5) experts per case (exclusive of treating physicians)**. It is the court's expectation that these experts will overlap for plaintiffs who have the same product(s), to some extent, if not entirely.
- b. The parties shall coordinate the depositions of general causation experts. Insofar as multiple plaintiffs utilize the same general causation expert or experts, those experts shall be deposed only once on the issue of general causation. As to Ethicon's experts, plaintiffs are instructed to choose a lead questioner.
- c. The court encourages the coordination of depositions of specific causation experts to the extent there is overlap in the parties' use of specific causation experts for multiple plaintiffs.

- d. The court will consider modifications to the above limitations upon good cause shown.

B. MOTION PRACTICE.

1. **Early Dispositive Motions.** If discovery (e.g., the deposition of plaintiff and her implanting physician) reveals facts that could support a motion that would be dispositive of the *entirety* of a plaintiff's claims (e.g., causation, the statute of limitations), either party may seek the court's leave *in the individual member case* to file an early dispositive motion on that issue. If such leave is granted, the court shall set a briefing schedule at that time.

2. **Daubert Motions.** For the filing of *Daubert* motions on general causation issues only, the parties are instructed to file one *Daubert* motion per expert in the main MDL (MDL 2327) instead of the individual member case. Each side may file one response and one reply in the main MDL to each *Daubert* motion. This limitation does not apply to specific causation *Daubert* motions, responses and replies. Specific causation *Daubert* motions, responses and replies must be filed in the individual member cases. To the extent an expert is both a general and specific causation expert, the parties may file a general causation motion in the main MDL 2327 and an individual specific causation motion in an individual member case.

3. **Hearings.** Hearing dates for dispositive and *Daubert* motions, if any, will be set at a future status conference.

4. **Page Limitations.** The page limitations provided in Local Rule of Civil Procedure 7.1(a)(2) apply to memoranda in support of all dispositive and *Daubert* motions, oppositions, and replies, and the court will not be inclined to grant motions to exceed the page limit.

5. **Confidential Documents.** In the past, the court has permitted parties to file placeholder exhibits in support of *Daubert*, dispositive and other motions, responses and replies in the place of confidential documents that may be sealed and then, within five days, redact/dedesignate the documents or file a motion to seal. *Moving forward, the court will no longer permit this practice. Parties may no longer file placeholder exhibits.* The court expects leadership counsel for plaintiffs and the Ethicon defendants to resolve issues related to confidential designations well before the filing of motions. Filings containing placeholder exhibits will be struck. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: A consolidated motion to seal is due on or before **August 9, 2016**, any response is due **August 19, 2016** and any reply is due **August 29, 2016**.

6. **Locations of Filings.** With the exception of the general causation *Daubert* motions as outlined above, the parties are reminded that they must file dispositive and *Daubert* motions on specific causation, responses and replies in the applicable member cases only, not in the Ethicon MDL.

C. CASES READY FOR TRANSFER, REMAND OR TRIAL

1. **Venue Recommendations.** By no later than **July 15, 2016**, the parties shall meet and confer concerning the appropriate venue for each of the cases, and the parties shall submit joint venue recommendations to the court by **July 25, 2016**. The parties' joint recommendation(s) shall identify the cases about which the recommended venue is in dispute. The court may then request briefing concerning the venue for those cases about which the parties disagree. Each party reserves the right to object to the venue selected by its adversary or the court.

2. **Transfer and Remand.** At the conclusion of pre-trial proceedings, the court, pursuant to PTO # 15 and 28 U.S.C. § 1404(a), will transfer each directly-filed case to a federal district court of proper venue as defined in 28 U.S.C. § 1391. In the alternative, pursuant to PTO # 15 and 28 U.S.C. § 1407, cases that were transferred to this court by the MDL panel shall be remanded for further proceedings to the federal district court from which each such case was initially transferred.²


3. **Trial Settings.** If a case is to be tried in the United States District Court for the Southern District of West Virginia (either by agreement of the parties or where venue in the Southern District is determined to be proper by the court), the case shall be deemed trial-ready when discovery is completed and the court rules on the parties' pretrial motions. The trial date for cases transferred or remanded to other federal district courts shall be set by the judge to whom the transferred or remanded case is assigned (including the undersigned through intercircuit assignment).

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and in the Ethicon Wave 3 cases identified in Exhibit A. In cases subsequently filed in this district after 2:15-cv-16245, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility

² As expressly contemplated by PTO # 15, the Ethicon defendants do not waive their right to seek transfer—pursuant to 28 U.S.C. § 1406(a) or any other available ground—of any case to a court of proper venue, regardless of whether that case was transferred to or directly-filed in the Southern District of West Virginia.

of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: December 18, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

	Case	Civil Action Number
1	Angelia M. & Manuel M. Ramirez	2:12-cv-02191
2	Mary Frances & Joseph L. Richard	2:12-cv-02192
3	Dawn & David Sequino	2:12-cv-02193
4	Susan & Stanley Struckus	2:12-cv-02194
5	Mary & Jeffrey Ward	2:12-cv-02198
6	Leslie Warner	2:12-cv-02199
7	Judy Haddon	2:12-cv-02200
8	Nancy & Steve Russell	2:12-cv-02201
9	Grace & Edward Eack	2:12-cv-02219
10	Leslie & Eric Rodgers	2:12-cv-02221
11	Mattie & Ronnie Todd	2:12-cv-02242
12	Kathy & Joseph Birt	2:12-cv-02251
13	Patricia & Martin, Jr. Kuks	2:12-cv-02257
14	Charlotte A. & Troy Day	2:12-cv-02264
15	Norma J. & James Kustes	2:12-cv-02265
16	Frankie & Jimmy Miller	2:12-cv-02266
17	Edith A. & Roger Richardson	2:12-cv-02267
18	Tonya Rogers	2:12-cv-02268
19	Ruth & Anthony Coffman	2:12-cv-02278
20	Shannon O'Neal & James W. Hewatt	2:12-cv-02279
21	Linda & Greg Combs	2:12-cv-02283
22	Joyce Dobson	2:12-cv-02298
23	Barbara A. & Joseph R. Wilcox	2:12-cv-02300
24	Samantha L. Webb	2:12-cv-02314
25	Karen Conley	2:12-cv-02315
26	Helen Harper	2:12-cv-02316
27	Deborah Blankenship	2:12-cv-02327
28	Tammy & James, III Carroll	2:12-cv-02328
29	Mary Pritchett	2:12-cv-02329
30	Christina Tullier	2:12-cv-02331
31	Helen Van Wyck	2:12-cv-02374
32	Linda & Ralph Burroughs	2:12-cv-02378
33	Patricia Warren	2:12-cv-02381
34	Traci & Marty Goss	2:12-cv-02382
35	Deborah & John Greene	2:12-cv-02386
36	Geraldine & John Yaletchko	2:12-cv-02401
37	Mary & Keith Horton	2:12-cv-02402
38	Bonnie Odum	2:12-cv-02404
39	Janet Hawkins	2:12-cv-02409
40	Bonnie & Calvin Huggins	2:12-cv-02412
41	Norma & Larry Carroll	2:12-cv-02414
42	Kimberly Stevens	2:12-cv-02424
43	Stephanie & Steven Blanchard	2:12-cv-02429

	Case	Civil Action Number
44	Katherine Didomizio	2:12-cv-02436
45	Cynthia & Raymond, Sr. Falcon	2:12-cv-02446
46	Melissa Mincey	2:12-cv-02448
47	Rhonda & Anthony Arnette	2:12-cv-02475
48	Dawn & Michael Baker	2:12-cv-02476
49	Rhonda & Roger Harvey	2:12-cv-02477
50	Donna & Earl Matthews	2:12-cv-02478
51	Terri Milan	2:12-cv-02479
52	Donna Murphy	2:12-cv-02485
53	Francesca Bopp	2:12-cv-02486
54	Elisabeth Payne	2:12-cv-02488
55	Joanne Phillips	2:12-cv-02489
56	Martha & Kenneth Brown	2:12-cv-02498
57	Janie L. & Clarence J. Moret	2:12-cv-02501
58	Barbara Hatfield	2:12-cv-02509
59	Debbie & James E. Howard	2:12-cv-02511
60	Linda Madding	2:12-cv-02512
61	Shirley L. & George W. Knight	2:12-cv-02515
62	Rhonda Cooper	2:12-cv-02532
63	Brandy & Jeffrey Swinney	2:12-cv-02539
64	Deborah L. & David K. Slone	2:12-cv-02544
65	Carla J. Thorpe	2:12-cv-02546
66	Pamela & Jackie Lee, Sr. Harvey	2:12-cv-02556
67	Alice Sue Wilkin	2:12-cv-02563
68	Patsy & Howard Mays	2:12-cv-02565
69	Dorothy Hunt	2:12-cv-02575
70	Tammy & Bryon Jackson	2:12-cv-02576
71	Patricia & Floyd Marks	2:12-cv-02577
72	Mary Clayborne	2:12-cv-02579
73	Wanda Clayborne	2:12-cv-02580
74	Anita Fisher	2:12-cv-02581
75	Kathleen & Albert Young Flynn	2:12-cv-02582
76	Rhonda & Billy Garner	2:12-cv-02583
77	Trina Hill	2:12-cv-02584
78	Michellyn & Michael Murphy	2:12-cv-02600
79	Bonita Taylor	2:12-cv-02601
80	Nancy & Darryl Rivers	2:12-cv-02602
81	Rhonda T. Brantley	2:12-cv-02605
82	Gayle King	2:12-cv-02606
83	Kandy P. & Rick Dotson	2:12-cv-02633
84	Ila Cosgray	2:12-cv-02634
85	Tabitha Williamson	2:12-cv-02642
86	Lori & Duane Morse	2:12-cv-02657

	Case	Civil Action Number
87	Nancy Parks	2:12-cv-02660
88	Joyce & William Thomas	2:12-cv-02662
89	Debbie & Charles Tomlinson	2:12-cv-02663
90	Robin & Jack Webb	2:12-cv-02669
91	Judy Wiley	2:12-cv-02670
92	Deborah & Steven Ray, Jr. Young	2:12-cv-02672
93	Kathleen & Glennon Toennies	2:12-cv-02687
94	Victoria Soltanshahi	2:12-cv-02688
95	Karen A. & Thomas F. Lyszcza	2:12-cv-02689
96	Barbara Lawyer-Johnson	2:12-cv-02690
97	Antoinette & Ronnie James	2:12-cv-02696
98	Shelia L. Bracato	2:12-cv-02697
99	Martha M. & James Stevenson	2:12-cv-02700
100	Brenda Simpson	2:12-cv-02716
101	Susan Walker	2:12-cv-02728
102	Alberta Clark	2:12-cv-02734
103	Sara & Terrance Bell	2:12-cv-02741
104	Jennifer & Hilario Aguilar	2:12-cv-02742
105	Emma G. Honeycutt	2:12-cv-02746
106	Sharon K. & Timothy T. Carrell	2:12-cv-02751
107	Dorothy F. Foust	2:12-cv-02752
108	Monica Lynn & James Charles Bauernfeind	2:12-cv-02768
109	Diana N. Farris	2:12-cv-02776
110	Teresa Alltop	2:12-cv-02782
111	Dion & Sheldon Cole	2:12-cv-02786
112	Tammy & Johnny Coward	2:12-cv-02788
113	Constance Fisher	2:12-cv-02792
114	Lisa & Patrick Fritz	2:12-cv-02796
115	Susan & Hubert Jones (SUSAN JONES IS DECEASED)	2:12-cv-02797
116	Tracey Ryan Smith	2:12-cv-02798
117	Susan Clones	2:12-cv-02799
118	Kathy Robertson	2:12-cv-02802
119	Donna & Hugh Snoddy	2:12-cv-02803
120	Janet & Larry Taulbee	2:12-cv-02804
121	Donna & Joe Moosman	2:12-cv-02805
122	Linda Heatherly	2:12-cv-02807
123	Jennifer D. & David C. Marshall	2:12-cv-02809
124	Selena & Chane Thompson	2:12-cv-02814
125	Karla A. Guidry	2:12-cv-02816
126	Cathy Lynn Stanley	2:12-cv-02817
127	Lottie & Edward Brusseau	2:12-cv-02819
128	Nettie Watts	2:12-cv-02823
129	Julia & Willis Walker	2:12-cv-02826

	Case	Civil Action Number
130	Kimberly Hill	2:12-cv-02829
131	Patricia & Stephen Caughorn	2:12-cv-02832
132	Victoria Gutierrez	2:12-cv-02857
133	Peggy S. Wollitz	2:12-cv-02858
134	Mattie J. Brooks	2:12-cv-02865
135	Bonnie S. & Robert G. Smith	2:12-cv-02876
136	Lisa A. Russell	2:12-cv-02879
137	Sandra Sweeney	2:12-cv-02880
138	Kathy & Phillip Kidd	2:12-cv-02883
139	Terry Page	2:12-cv-02884
140	Tymika Tunstall	2:12-cv-02906
141	Thelma & Harold Cole	2:12-cv-02908
142	Susan D. Bartley	2:12-cv-02921
143	Tina M. Douglas	2:12-cv-02922
144	Dawn Cordea	2:12-cv-02934
145	Lillie R. & Ernest P. Miller	2:12-cv-02942
146	Kathy Blake	2:12-cv-02943
147	Charlotte Ann Schaub	2:12-cv-02947
148	Rhonda Mitchell	2:12-cv-02949
149	Inez & Carlton S. Creel	2:12-cv-02950
150	Brenda J. & Barry Wooden	2:12-cv-02951
151	Anne M. Currie	2:12-cv-02955
152	Audrey & Theron Smallridge	2:12-cv-02956
153	Jamie & Steven Rutherford	2:12-cv-02959
154	Trudy M. & Dale R. Usey	2:12-cv-02960
155	Janice & Don Fields	2:12-cv-02971
156	Grethel Taylor	2:12-cv-02975
157	Margaret Polly	2:12-cv-02979
158	Leslie Elder	2:12-cv-02987
159	Shannon L. Smith	2:12-cv-02989
160	Susan & Simon Thomas Grizzle	2:12-cv-02991
161	Vicki & Randall Trammell	2:12-cv-02994
162	Katy Sue & Daniel Wilson	2:12-cv-02997
163	Mary Allmon	2:12-cv-02999
164	Deborah & Robert Kisell	2:12-cv-03013
165	Sharita Malone	2:12-cv-03037
166	Tammy & Danny Richmond	2:12-cv-03038
167	April & Danny Berry	2:12-cv-03074
168	Delilah & Walter Bishop	2:12-cv-03075
169	Stephanie & Davin Booher	2:12-cv-03076
170	Carmen & Jose L. Castillo	2:12-cv-03077
171	Araceli Baez	2:12-cv-03078
172	Judy K. & Benny Damron	2:12-cv-03079

	Case	Civil Action Number
173	Yolanda & Edward G. Garcia	2:12-cv-03080
174	Phyllis A. King	2:12-cv-03081
175	Ronda L. Reed	2:12-cv-03082
176	Catherine L. & David Young	2:12-cv-03083
177	Mary Diana Book	2:12-cv-03085
178	Mary Cox	2:12-cv-03087
179	Shirlene Franklin	2:12-cv-03091
180	Lori & Mark Ludwig	2:12-cv-03093
181	Deborah & Tony Mattingly	2:12-cv-03097
182	Melissa Moore	2:12-cv-03108
183	Carol Noffsinger	2:12-cv-03118
184	Glenna T. Hensley	2:12-cv-03119
185	Kimberly & Glen A. Martello	2:12-cv-03122
186	Tammy Webb-Henson	2:12-cv-03123
187	Katherine & Henry, II Smallwood	2:12-cv-03124
188	Jeannie Holland	2:12-cv-03125
189	Julia Smith	2:12-cv-03128
190	Kelly L. & John D. White	2:12-cv-03129
191	Shari & Ronnie L. Thomas	2:12-cv-03130
192	Sara Camille Jones	2:12-cv-03131
193	Christine & Joseph Webb	2:12-cv-03136
194	Debra & Stephen Krauser	2:12-cv-03140
195	Tracy & Kevin Woosley	2:12-cv-03145
196	Lydia & Douglas Blackwell	2:12-cv-03155
197	Floreen Leland	2:12-cv-03161
198	Joann S. Bradley	2:12-cv-03162
199	Geraldean Gaylor	2:12-cv-03163
200	Christine Walker	2:12-cv-03166

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**THIS DOCUMENT RELATES TO
ETHICON WAVE 4 CASES**

**PRETRIAL ORDER # 243
(Docket Control Order – Wave 4 Cases)**

At my request, the parties recently submitted a joint list of 400 of the oldest cases in the Ethicon MDL not already in a wave that name only the Ethicon, Inc., Ethicon, LLC and/or Johnson & Johnson (the “Ethicon defendants”) or allege claims against only the Ethicon defendants’ products. These cases, attached hereto as Exhibit A, will be known as the “Ethicon Wave 4 cases,” and it is **ORDERED** as follows:

A. SCHEDULING DEADLINES. The following deadlines shall apply in the Ethicon

Wave 4 cases:

Plaintiff Fact Sheets.	11/28/2016
Defendant Fact Sheets.	12/28/2016
Deadline for written discovery requests.	01/31/2017
Expert disclosure by plaintiffs.	01/17/2017
Expert disclosure by defendants.	02/15/2017
Expert disclosure for rebuttal purposes.	03/03/2017
Deposition deadline and close of discovery.	03/17/2017
Filing of Dispositive Motions.	04/06/2017
Response to Dispositive Motions.	04/20/2017
Reply to response to dispositive motions.	04/27/2017
Filing of <i>Daubert</i> motions.	04/13/2017
Responses to <i>Daubert</i> motions.	04/27/2017
Reply to response to <i>Daubert</i> motions.	05/04/2017

1. **Discovery Completion Date.** The last date to complete depositions shall be the “discovery completion date” by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed.

2. **Limitations on Interrogatories, Requests for Admissions and Depositions.** The following limitations apply:

- a. Defendants are limited to 10 interrogatories and 10 requests for admission per plaintiff.
- b. Plaintiffs are limited to 10 interrogatories and 10 requests for admission to the Ethicon defendants.
- c. In each individual member case, no more than 4 treating physicians may be deposed.¹
- d. Depositions of plaintiff’s friends and family members may be taken at any time prior to trial provided the deposition is requested before the discovery completion date.
- e. Depositions of any witness are limited to 3 hours absent agreement of the parties.
- f. The court will consider modifications to the above limitations upon good cause shown.

3. **Limitations on Experts.** The following limitations related to experts apply:

¹ To the extent disputes arise regarding the division of time between the parties for the deposition of treating physicians (three hours total absent agreement), I will address those disputes, rather than the assigned Magistrate Judge, Judge Eifert.

- a. The parties may conduct general and specific expert discovery on the products at issue in Ethicon Wave 4. In light of the bellwether trials, Waves 1, 2 and 3 and the substantial discovery conducted to date on the Ethicon defendants' products, the parties are cautioned not to engage in duplicative general expert discovery, but instead, to tailor their discovery to the remaining Ethicon defendants' products at issue (to the extent such discovery is necessary), supplementing any discovery already completed and conducting specific causation discovery for the Ethicon Wave 4 plaintiffs. In light of the common products involved in Ethicon Wave 4, the likelihood of overlap in expert opinion from one case to another (except as to specific causation) and the need to streamline discovery in these cases, **each side is limited to no more than five (5) experts per case (exclusive of treating physicians)**. It is the court's expectation that these experts will overlap for plaintiffs who have the same product(s), to some extent, if not entirely.
- b. The parties shall coordinate the depositions of general causation experts. Insofar as multiple plaintiffs utilize the same general causation expert or experts, those experts shall be deposed only once on the issue of general causation. As to Ethicon's experts, plaintiffs are instructed to choose a lead questioner.
- c. The court encourages the coordination of depositions of specific causation experts to the extent there is overlap in the parties' use of specific causation experts for multiple plaintiffs.

- d. The court will consider modifications to the above limitations upon good cause shown.

B. MOTION PRACTICE.

1. **Early Dispositive Motions.** If discovery (e.g., the deposition of plaintiff and her implanting physician) reveals facts that could support a motion that would be dispositive of the *entirety* of a plaintiff's claims (e.g., causation, the statute of limitations), either party may seek the court's leave *in the individual member case* to file an early dispositive motion on that issue. If such leave is granted, the court shall set a briefing schedule at that time.

2. **Daubert Motions.** For the filing of *Daubert* motions on general causation issues only, the parties are instructed to file one *Daubert* motion per expert in the main MDL (MDL 2327) instead of the individual member case. Each side may file one response and one reply in the main MDL to each *Daubert* motion.² This limitation does not apply to specific causation *Daubert* motions, responses and replies. Specific causation *Daubert* motions, responses and replies must be filed in the individual member cases. To the extent an expert is both a general and specific causation expert, the parties may file a general causation motion in the main MDL 2327 and an individual specific causation motion in an individual member case.

3. **Hearings.** Hearing dates for dispositive and *Daubert* motions, if any, will be set at a future status conference.

4. **Page Limitations.** The page limitations provided in Local Rule of Civil Procedure 7.1(a)(2) apply to memoranda in support of all dispositive and *Daubert* motions, oppositions, and replies, and the court will not be inclined to grant motions to exceed the page limit.

² If parties wish to adopt previous *Daubert* motions on general causation experts, they may so indicate in a filing in the main MDL 2327.

5. **Confidential Documents.** In the past, the court has permitted parties to file placeholder exhibits in support of *Daubert*, dispositive and other motions, responses and replies in the place of confidential documents that may be sealed and then, within five days, redact/dedesignate the documents or file a motion to seal. *Moving forward, the court will no longer permit this practice. Parties may no longer file placeholder exhibits.* The court expects leadership counsel for plaintiffs and the Ethicon defendants to resolve issues related to confidential designations well before the filing of motions. Filings containing placeholder exhibits will be struck. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: A consolidated motion to seal is due on or before **February 9, 2017**, any response is due **February 23, 2017** and any reply is due **March 2, 2017**.

6. **Locations of Filings.** With the exception of the general causation *Daubert* motions as outlined above, the parties are reminded that they must file dispositive and *Daubert* motions on specific causation, responses and replies in the applicable member cases only, not in the Ethicon MDL.

C. CASES READY FOR TRANSFER, REMAND OR TRIAL

1. **Venue Recommendations.** By no later than **January 30, 2017**, the parties shall meet and confer concerning the appropriate venue for each of the cases, and the parties shall submit joint venue recommendations to the court by **February 9, 2017**. The parties' joint recommendation(s) shall identify the cases about which the recommended venue is in dispute. The court may then request briefing concerning the venue for those cases about which the parties disagree. Each party reserves the right to object to the venue selected by its adversary or the court.

2. **Transfer and Remand.** At the conclusion of pre-trial proceedings, the court, pursuant to PTO # 15 and 28 U.S.C. § 1404(a), will transfer each directly-filed case to a federal district court of proper venue as defined in 28 U.S.C. § 1391. In the alternative, pursuant to PTO # 15 and 28 U.S.C. § 1407, cases that were transferred to this court by the MDL panel shall be remanded for further proceedings to the federal district court from which each such case was initially transferred.³

3. **Trial Settings.** If a case is to be tried in the United States District Court for the Southern District of West Virginia (either by agreement of the parties or where venue in the Southern District is determined to be proper by the court), the case shall be deemed trial-ready when discovery is completed and the court rules on the parties' pretrial motions. The trial date for cases transferred or remanded to other federal district courts shall be set by the judge to whom the transferred or remanded case is assigned (including the undersigned through intercourt assignment).

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 **and in the Ethicon Wave 4 cases listed on Exhibit A.** In cases subsequently filed in this district after 2:16-cv-09871, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The

³ As expressly contemplated by PTO # 15, the Ethicon defendants do not waive their right to seek transfer—pursuant to 28 U.S.C. § 1406(a) or any other available ground—of any case to a court of proper venue, regardless of whether that case was transferred to or directly-filed in the Southern District of West Virginia.

orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

ENTER: October 25, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

	Plaintiff(s) name	Civil Action No.
1	Swink, Lisa	2:12-cv-01290
2	Cross, Kathy & Ian	2:12-cv-02281
3	Lucas, Sue A.	2:12-cv-03025
4	Fine, Vicki R. & Howard	2:12-cv-03167
5	West, Sherrill	2:12-cv-03180
6	Young, Rose & William E., Jr.	2:12-cv-03198
7	Branaman, Connie & James	2:12-cv-03205
8	Ocker, Carol	2:12-cv-03227
9	Pruitt, Tammy & Royce	2:12-cv-03228
10	Schaffer, Stephanie	2:12-cv-03229
11	Schlosser, Joan & Anthony, Jr.	2:12-cv-03230
12	Shaner, Julie	2:12-cv-03231
13	Smith, Ethel	2:12-cv-03232
14	Soloman, Misty	2:12-cv-03233
15	Watson, Ruth & Robert	2:12-cv-03234
16	White, Emma	2:12-cv-03235
17	Heidel, Barbara & James	2:12-cv-03236
18	Dodd, Stacey & Mikell	2:12-cv-03237
19	Upchurch, Jessie	2:12-cv-03238
20	Brittain, Kay f/k/a Kay Fifield & Claire, Jr.	2:12-cv-03239
21	Heber, Jeannean & Arthur	2:12-cv-03240
22	Plahmer, Donna & Gary	2:12-cv-03241
23	Bailey, Glenda	2:12-cv-03242
24	Seto, Jewell	2:12-cv-03243
25	Harris, Tina	2:12-cv-03246
26	Webb, Wilma & Kenneth	2:12-cv-03247
27	Peters, Christy	2:12-cv-03249
28	Tharp, Iva June	2:12-cv-03251
29	Wiseman, Jeanette	2:12-cv-03252
30	Romero, Carolyn	2:12-cv-03255
31	Mullins, Deborah Jean	2:12-cv-03258
32	Borel, Sara	2:12-cv-03259
33	Bell, Charlotte	2:12-cv-03260
34	Dawson, Gloria	2:12-cv-03264
35	Altwater, Mary	2:12-cv-03265
36	Gregory, Janice & John	2:12-cv-03268
37	Justice, Brenda	2:12-cv-03285
38	Sunseri, Joyce & Louis	2:12-cv-03288
39	Goins, Sondra S.	2:12-cv-03289
40	Norris, Thelma	2:12-cv-03294
41	Spencer, Tanya	2:12-cv-03295
42	Bush, Linda Ann	2:12-cv-03298
43	Junior, Joyce	2:12-cv-03299

EXHIBIT A

	Plaintiff(s) name	Civil Action No.
44	Massengill, Melissa & Franklin	2:12-cv-03303
45	Towns, Bertha & Frank	2:12-cv-03306
46	Lunsford, Sharon Kay & Charles	2:12-cv-03308
47	Hubbard, Pamela	2:12-cv-03309
48	Todd, Peggy & Edgar	2:12-cv-03311
49	Eckdahl, Patricia A. & Peter	2:12-cv-03319
50	Brasher, Karen	2:12-cv-03324
51	Reed, Debra & Rodney	2:12-cv-03325
52	Aston, Helen	2:12-cv-03326
53	Kane, Alice Christine	2:12-cv-03365
54	Reggio, Carolyn & Sidney	2:12-cv-03367
55	Augustus, Deshawn & Charles	2:12-cv-03368
56	Chandler, Vivian	2:12-cv-03369
57	Greve, Ann	2:12-cv-03370
58	Duhe, Alice	2:12-cv-03371
59	Lyons, Marie & Marion H., III	2:12-cv-03372
60	Taylor, Marva	2:12-cv-03374
61	Gremillion, Gayle & Paul	2:12-cv-03375
62	Guttillo, Tiffany	2:12-cv-03378
63	Amie, Tina & Craig	2:12-cv-03387
64	McGee, Penny	2:12-cv-03408
65	Tumblin, Felicia & Monroe	2:12-cv-03411
66	Maurice, Estelle	2:12-cv-03415
67	Holloway, Janice M. & Martin G.	2:12-cv-03417
68	Decker, Karon & Manuel	2:12-cv-03427
69	Rogers, Monica	2:12-cv-03429
70	Anderson, Mary	2:12-cv-03437
71	Scruggs, Peggy & William	2:12-cv-03439
72	Coleman, Priscilla & Elmer Richardson	2:12-cv-03440
73	Banks, Orelia	2:12-cv-03441
74	Mayes, Tammy M.	2:12-cv-03463
75	Baksic, Danielle & Brian	2:12-cv-03536
76	Cupp, Joyce A. & Carmen	2:12-cv-03547
77	Conley, Maglenda & Ray	2:12-cv-03548
78	Whitehead, Rebecca & Randall	2:12-cv-03552
79	Saylor, Katie & Jason	2:12-cv-03553
80	Lester, Mary E.	2:12-cv-03560
81	Herbert, Jane L. & William	2:12-cv-03568
82	Mullins, Lottie M. & Darrell	2:12-cv-03577
83	Watkins, Kitty M. & Larry	2:12-cv-03578
84	Glass, Beverly & William	2:12-cv-03579
85	Steiner, Annie & Phillip	2:12-cv-03580
86	Marrero, Ada & Gary	2:12-cv-03581

EXHIBIT A

	Plaintiff(s) name	Civil Action No.
87	Harvell, Rita	2:12-cv-03586
88	Eversole, Debbie	2:12-cv-03593
89	Vanover, Sherry & Lawrence	2:12-cv-03594
90	Himes, Carolyn	2:12-cv-03595
91	Farrar, Lunda E.	2:12-cv-03596
92	Smith, Betty & Carl	2:12-cv-03597
93	Clark, Addie	2:12-cv-03598
94	May, Bethany & Jimmy	2:12-cv-03602
95	Snow, Joyce & Christopher	2:12-cv-03603
96	Deakins, Lucille & Donald	2:12-cv-03605
97	Riffle, Kimberly A. & Michael	2:12-cv-03611
98	Robinson, Michelle & Bobby, Jr.	2:12-cv-03612
99	Neal, Glendora	2:12-cv-03614
100	Johnson, Pamela F. & James	2:12-cv-03615
101	Cox, Patty & Raymond	2:12-cv-03616
102	Horton, Barbara & Michael	2:12-cv-03641
103	O'Neill, Kary	2:12-cv-03642
104	Boettner, Brenda	2:12-cv-03643
105	Jucha, Anna M.	2:12-cv-03646
106	Hogue, Nancy & Ernest	2:12-cv-03679
107	Sales, Dorothy Jean & Millard	2:12-cv-03682
108	Borden, Rose	2:12-cv-03692
109	Kramer, Catherine M. & James R.	2:12-cv-03696
110	Champion, Joyce & Charles	2:12-cv-03723
111	Staton, Toni	2:12-cv-03724
112	Davis, Terri & Daniel	2:12-cv-03726
113	Hampton, Zona & Glen	2:12-cv-03727
114	Ball, Shannon & Darius	2:12-cv-03728
115	Bynum, Rachel & Randall	2:12-cv-03729
116	Bodah, Carole Ann	2:12-cv-03733
117	Datz, Lillian & Kerry M.	2:12-cv-03735
118	White, Jessica & Jeremy	2:12-cv-03736
119	Orr, Cindy & Allen	2:12-cv-03738
120	Thompson, Harriet & Bertram	2:12-cv-03741
121	Adkins, Lori & William Preston Martin	2:12-cv-03751
122	Harris, Jennie L.	2:12-cv-03781
123	Kerley, Lisa & K. Lynn	2:12-cv-03786
124	McKay, Kara	2:12-cv-03807
125	Clark, Gloria J. & James R.	2:12-cv-03833
126	Elliott, Sandra L. & John W.	2:12-cv-03834
127	Ratledge, Lori L. & Edward F.	2:12-cv-03835
128	Arceneaux, Cherie & Scott	2:12-cv-03840
129	Gross, Theresa	2:12-cv-03842

EXHIBIT A

	Plaintiff(s) name	Civil Action No.
130	Ashburn, Regina	2:12-cv-03843
131	Turner, Melanie	2:12-cv-03847
132	Beckstead, Cicily & Jeffery	2:12-cv-03849
133	Hollingsworth, Melanie W.	2:12-cv-03850
134	Ammons, Lynn C. & Thomas B.	2:12-cv-03853
135	Thornwall, Lorna G.	2:12-cv-03854
136	West, Susan D.	2:12-cv-03855
137	Collins, Melissa D. & Charles	2:12-cv-03866
138	Blankship, Tina & Shelby	2:12-cv-03867
139	Bird, Gladys	2:12-cv-03869
140	Thacker, Connie J.	2:12-cv-03870
141	Jackson, Cynthia & William	2:12-cv-03871
142	Keller, Linda	2:12-cv-03872
143	Knox, Frances M. & Thomas	2:12-cv-03873
144	Wooten, Melissa G. & John	2:12-cv-03874
145	Vance, Lisa R. & Christopher S.	2:12-cv-03886
146	Happel, Wendy B. & John M.	2:12-cv-03889
147	Burlison, Shirley Ann	2:12-cv-03893
148	Christian, Kathy	2:12-cv-03894
149	Francis, Steven A., as personal representative of the Estate of Debbie Jean Francis, Deceased	2:12-cv-03895
150	Jelks, Mary A.	2:12-cv-03896
151	Kelley, Peggy & Elton	2:12-cv-03897
152	Hodge, Vivian L.	2:12-cv-03898
153	Holden, Shirley	2:12-cv-03899
154	Hutson, Glenna D.	2:12-cv-03900
155	Jolly, Shelia L.	2:12-cv-03901
156	Dill, Diane S. & Lawrence Wayne	2:12-cv-03914
157	Kitts, Mary Ruth (Allman)	2:12-cv-03916
158	Leach, Rhonda Lea	2:12-cv-03917
159	Ouzts, Connie Melissa	2:12-cv-03918
160	Flowers, Lisa & Keith	2:12-cv-03922
161	Wimberly, Sharon Marie	2:12-cv-03932
162	Ruiz-Lambert, Tamara	2:12-cv-03938
163	Bates, Dana & Charles	2:12-cv-03939
164	Mays, Crystal Mae & Harold	2:12-cv-03942
165	Zollman, Gloria & Terry	2:12-cv-03951
166	Rasch, Joan Marie	2:12-cv-03952
167	Guichard, Blanche	2:12-cv-03955
168	Camanga, Dolores Ann	2:12-cv-03957
169	Stewart, Juanita & Benny	2:12-cv-03958
170	Culbertson, Edna & Thomas, Jr.	2:12-cv-03970
171	Howard, Ella Jean & John Aubrey, Sr.	2:12-cv-03976

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	Plaintiff(s) name	Civil Action No.
172	Duet, Deniese & Bob	2:12-cv-03988
173	Brugier, Bernadette & William Ray	2:12-cv-03989
174	Glenn, Kim F. & Timothy J. Brown	2:12-cv-03996
175	Galarza, Delia	2:12-cv-03998
176	Courville, Vanessa & Troy	2:12-cv-03999
177	Chapman, Cheryl Annette	2:12-cv-04001
178	Alexander, Cathy L.	2:12-cv-04002
179	Moses, Christine Wilder & Robert	2:12-cv-04005
180	Armstrong, Jill Victoria	2:12-cv-04025
181	Connolly, Peggy & Gregory	2:12-cv-04026
182	Morningstar, Wyonne K. & Robert	2:12-cv-04038
183	Heady, Tammy Jo	2:12-cv-04040
184	Secord, Estelle & Paul	2:12-cv-04042
185	Boyd, Betty & Richard	2:12-cv-04047
186	Lloyd, LaSedar M. & Mark S.	2:12-cv-04061
187	Oglesby, Robin	2:12-cv-04062
188	Sally, Wanda C. & Robert	2:12-cv-04065
189	Stephens, Patricia	2:12-cv-04081
190	Jenkins, Tina & Randy	2:12-cv-04082
191	Taylor, Elizabeth & Robert	2:12-cv-04083
192	Hopper, Sherry	2:12-cv-04084
193	Baker, Terri Lyn	2:12-cv-04085
194	Vanderpool, Ortha	2:12-cv-04087
195	Lowery, Margie & John	2:12-cv-04092
196	Melton, Rebecca & Arthur	2:12-cv-04094
197	Thomas, Deanna	2:12-cv-04095
198	James, LaJoyce & Jesse	2:12-cv-04096
199	Benz, Christine	2:12-cv-04097
200	Dano, Autumn & Larry	2:12-cv-04100
201	Thate, Connie F. & Steven C.	2:12-cv-04144
202	Armstrong, Bernadine	2:12-cv-04168
203	Humbert, Anne	2:12-cv-04170
204	Alvarado, Jeanette	2:12-cv-04196
205	Rhoads, Marjorie Juanita	2:12-cv-04243
206	Spoon, Edna M. & William S.	2:12-cv-04245
207	Jenkinson, Rebecca	2:12-cv-04246
208	Schmidt, Lou Ann	2:12-cv-04248
209	Toole, Sharon Adams	2:12-cv-04249
210	Zeagler, Linda & Roy	2:12-cv-04250
211	Biel, Frances & John	2:12-cv-04254
212	Batis, GeorgeAnn & John Steven	2:12-cv-04257
213	Carbon, Ediany & Albert	2:12-cv-04269
214	Bartley, Sharon & Larry D.	2:12-cv-04270

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	Plaintiff(s) name	Civil Action No.
215	Kaifler, Barbara & Bruce	2:12-cv-04271
216	Ragusa, Mary Jo	2:12-cv-04272
217	Adipietro, Ann D.	2:12-cv-04281
218	Patterson, Beverly & Donald	2:12-cv-04282
219	Franks, Keri S. & Harvey L.	2:12-cv-04283
220	Cortes, Blanca & Larry Richardson	2:12-cv-04284
221	Riegert, Debra	2:12-cv-04287
222	Perkins, Carol	2:12-cv-04328
223	Griffin, Tamika	2:12-cv-04331
224	Peshewa, Melanie & Macaki	2:12-cv-04332
225	Blades, Nancy & Wayne	2:12-cv-04349
226	Hahn, Kathleen K.	2:12-cv-04364
227	Christopherson, Verla M.	2:12-cv-04365
228	Schmitt, Lori J. & Paul A.	2:12-cv-04379
229	Hart, Debra Ann & Walter J.	2:12-cv-04411
230	Herold, Melissa & Matt	2:12-cv-04412
231	Tarver, Anna Lynn	2:12-cv-04428
232	Fields, Angela B.	2:12-cv-04473
233	Lewis, Sandra	2:12-cv-04474
234	Ray, Darla	2:12-cv-04475
235	Price, Leigh A. & Douglas	2:12-cv-04476
236	Wang, Gloria & Donald E. Wakeman	2:12-cv-04477
237	Sheldon, Christine & Michael	2:12-cv-04508
238	Crete, Teresa L. & Kyle	2:12-cv-04509
239	Boess, Jennifer H. & Jamie	2:12-cv-04510
240	Wade, Mary F. & Forrest	2:12-cv-04512
241	Fredenburg, Carol & Oliver	2:12-cv-04513
242	Euans, Audrey J. & Brad	2:12-cv-04514
243	Browley, Stephanie Q. & Marcus Johnson	2:12-cv-04515
244	Gracon, Pamela M. & Lawrence	2:12-cv-04516
245	Raymond, Julie & James	2:12-cv-04541
246	Thomson-Roy, Jeannae M.	2:12-cv-04586
247	Tedeschi, Phyllis	2:12-cv-04588
248	Ferrer, Brooke	2:12-cv-04591
249	Nevel, Mary L. & Thomas	2:12-cv-04645
250	Breeden, Candy S.	2:12-cv-04658
251	Poland, Nyla S.	2:12-cv-04659
252	Sparkman, Sheridan Sheryl	2:12-cv-04671
253	Wurtz, Julieann & Bruce	2:12-cv-04679
254	Decuir, Sabrina	2:12-cv-04727
255	Fox, Cynthia & Lonnie M.	2:12-cv-04755
256	Alfred, Lula	2:12-cv-04756
257	Messick, Linda & Marlin	2:12-cv-04757

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	Plaintiff(s) name	Civil Action No.
258	Blough, Cathy & Mark	2:12-cv-04758
259	Norris, Tina	2:12-cv-04759
260	Kern, Sharon & Raymond	2:12-cv-04760
261	Funk, Sharon	2:12-cv-04761
262	Doane, Rebecca Jane	2:12-cv-04763
263	Boswell, Courtney Lynette	2:12-cv-04770
264	Gomez, Celia	2:12-cv-04776
265	Petsch, Adrienne	2:12-cv-04778
266	Sobie, Pamela & Raymond	2:12-cv-04789
267	Reeves, Sarah	2:12-cv-04790
268	Smith, Barbara & Gary	2:12-cv-04791
269	Schalk, Julie K. & Ron	2:12-cv-04806
270	Paul, Claudine & Jack Gary	2:12-cv-04808
271	Humphrey, Charlotte & Allen C., III	2:12-cv-04810
272	Taylor, Brenda L.	2:12-cv-04811
273	Kimsey, Cathy & Christopher	2:12-cv-04814
274	Thorpe, Tina Darlene	2:12-cv-04822
275	Beltran, Alba G. & Manuel	2:12-cv-04824
276	Goggins, Judy & Marshall	2:12-cv-04827
277	Collins, April & Paul	2:12-cv-04828
278	Janus, Rosemary	2:12-cv-04830
279	Lynch, Margaret & James	2:12-cv-04832
280	Cross, Vicki Ann	2:12-cv-04836
281	Buie, Phyllis Darlene	2:12-cv-04838
282	Eddington, Rosalei May	2:12-cv-04839
283	Gaffield, Trisha & Kevin	2:12-cv-04843
284	Gaines, Jackie L.	2:12-cv-04844
285	Hall, Teresa & Brian	2:12-cv-04846
286	Hodge, Tammie Jean & Jerry	2:12-cv-04847
287	Hopper, Sarah & William	2:12-cv-04848
288	Jefferson, Edna Marie	2:12-cv-04849
289	Green, Karen & Curtis	2:12-cv-04851
290	Barnes, Margaret A. & Clarence A.	2:12-cv-04853
291	Cox, Brenda	2:12-cv-04854
292	Johnson, Crystal & Jonathan W.	2:12-cv-04856
293	Malone, Jeanette & Ronald Dean	2:12-cv-04903
294	Duncan, Debbie & Danny	2:12-cv-04904
295	Brown, Judy & Jerry	2:12-cv-04906
296	Hall, Teresa	2:12-cv-04915
297	Thurman, Gladys	2:12-cv-04930
298	Strunk, Sandy & Charles	2:12-cv-04933
299	Piquette, Anna	2:12-cv-04934
300	Mellody, Marilyn & Martin	2:12-cv-04936

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	Plaintiff(s) name	Civil Action No.
301	Presley, Wanda	2:12-cv-04945
302	Fahlberg, Barbara & Herbert Joe	2:12-cv-04946
303	Custer, Charlotte & Kelly Michael	2:12-cv-04948
304	Tucker, Diana & Carl	2:12-cv-04958
305	Burns, Deborah	2:12-cv-04963
306	Carino, Jessamyn Rebekah & Frankie	2:12-cv-04966
307	Childress, Shirley	2:12-cv-04971
308	Valverde, Cecilia & Robert	2:12-cv-04991
309	Pirlein, Adelheid	2:12-cv-04992
310	Crook, Sandra Jordan	2:12-cv-04998
311	Crespin, Tawnya	2:12-cv-05004
312	Schwartz, Lauren & Jon	2:12-cv-05009
313	Murphy, Cynthia	2:12-cv-05012
314	Wollitz, Cindy & John	2:12-cv-05013
315	Husted, Stacy & Kenneth	2:12-cv-05024
316	Lewis, Sharon Gail & Earl	2:12-cv-05026
317	Martin, Mary Elizabeth	2:12-cv-05028
318	Paape, Sarina Catherine & Rickey	2:12-cv-05029
319	Pascual, Mary	2:12-cv-05032
320	Wall, Patti Ann & A. Dwayne	2:12-cv-05034
321	McCoy, Lesa Gail	2:12-cv-05040
322	Birchfield, Sheila & Dennis	2:12-cv-05053
323	Slemp, Rita G.	2:12-cv-05056
324	Moore, Jennifer & Ronald	2:12-cv-05084
325	Geisinger, Melinda P.	2:12-cv-05112
326	Sullivan, Ladonna & Myron	2:12-cv-05113
327	Thornton, Betty	2:12-cv-05115
328	Rizer, Renae Lynn	2:12-cv-05128
329	Coppinger, Mary & Robert	2:12-cv-05129
330	Ronquille, Rebecca & Blane	2:12-cv-05132
331	Bertel, Brenda C. & Lanny	2:12-cv-05136
332	Ermold, Ruth	2:12-cv-05137
333	Gibson, Connie Sue & Jesse Willis	2:12-cv-05142
334	Huffstetler, Jane & Charles	2:12-cv-05150
335	Riddle, Dawn Ann	2:12-cv-05166
336	Anders, Shelby	2:12-cv-05168
337	Lewis, Tammy & James	2:12-cv-05169
338	Creager-Awichi, Sharon	2:12-cv-05184
339	Miller, Roxanna D. & Tony R. Kingery	2:12-cv-05185
340	Cox, Shirley & Randall	2:12-cv-05191
341	Gibbons, Shirley J.	2:12-cv-05216
342	Vieth, Judith A.	2:12-cv-05228
343	West, Peggie	2:12-cv-05236

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	Plaintiff(s) name	Civil Action No.
344	Howe, Cynthia A. & Fred	2:12-cv-05237
345	Shaw, Carol	2:12-cv-05239
346	Waterman, Doris	2:12-cv-05253
347	Roman, Jeanette	2:12-cv-05255
348	Winston, Cynthia & Alfred W., Jr.	2:12-cv-05256
349	Hartwig, Deborah M. & Douglas	2:12-cv-05257
350	Spada, Jamie	2:12-cv-05258
351	Robles, Gwendolyn	2:12-cv-05266
352	Trump, Ruth Kash & Jeffrey	2:12-cv-05267
353	Garcia, Maria	2:12-cv-05279
354	Strauss, Candace & Troy	2:12-cv-05280
355	Smith, Teresa & Dwaine	2:12-cv-05305
356	Zaccardi, Cindy & Thomas	2:12-cv-05312
357	Martin, Kirsten & Roger	2:12-cv-05334
358	Stahl, Judy M.	2:12-cv-05340
359	Stepski, Zinaida	2:12-cv-05342
360	Comstock, Margaret H. & Roger	2:12-cv-05345
361	Church, Lucinda & Samuel	2:12-cv-05359
362	Smith-McDuffie, Katherine & Samuel	2:12-cv-05379
363	Stensgard, Janet	2:12-cv-05389
364	Hooten, Leota	2:12-cv-05392
365	Martin, Darlene & Glenn	2:12-cv-05394
366	Smith, Elizabeth B.	2:12-cv-05395
367	Whipple, Christine & Douglas	2:12-cv-05402
368	Jenkins, Robileen & Jerry	2:12-cv-05405
369	Fincher, William, Administrator of the Estate of Latricia Fincher, deceased	2:12-cv-05406
370	Moore, Samantha L. & Larry C.	2:12-cv-05412
371	Harden, Terri	2:12-cv-05413
372	Blum, Marsha Ann	2:12-cv-05428
373	Furgason, Stacie & Jacky	2:12-cv-05441
374	Erickson, Jennifer & Corey	2:12-cv-05462
375	Warman, Doretta M.	2:12-cv-05463
376	Valencia, Jasmine	2:12-cv-05475
377	Bernhardt, Florence	2:12-cv-05476
378	Bowers, Deborah	2:12-cv-05477
379	Martinek, Esther	2:12-cv-05478
380	Cottrell, Tammy & Rand A.	2:12-cv-05480
381	Bowman, Lynn M. & Bradley	2:12-cv-05485
382	Brown, Ana Maria & Manford	2:12-cv-05488
383	Cockman, Martha & Ray	2:12-cv-05504
384	Ledezma, Brenda & Alipio	2:12-cv-05505
385	Cress, Wilma & Danny Lee, Jr.	2:12-cv-05512

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	Plaintiff(s) name	Civil Action No.
386	Sloan, Penny	2:12-cv-05515
387	Newton, Cynthia D. & Robert A.	2:12-cv-05517
388	Cisek, Donna	2:12-cv-05521
389	Coake, Hope	2:12-cv-05523
390	Cox, Jennifer	2:12-cv-05526
391	Dorsey, Cinnamon	2:12-cv-05528
392	Duffy, Sharon	2:12-cv-05529
393	Cotton, Debbie	2:12-cv-05530
394	Raney, Glenda & Gary	2:12-cv-05551
395	Jones, Beverly & Greg	2:12-cv-05555
396	Kirkland, Bernice	2:12-cv-05569
397	Hollaway, Martha & Robert A.	2:12-cv-05572
398	Robinson, Carol A.	2:12-cv-05573
399	Ferrell, Ann & Cecil	2:12-cv-05593
400	Draper, Amy L.	2:12-cv-05594

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**THIS DOCUMENT RELATES TO
ETHICON WAVE 5 CASES**

**PRETRIAL ORDER # 248
(Docket Control Order – Wave 5 Cases)**

At my request, the parties recently submitted a joint list of 400 of the oldest cases in the Ethicon MDL not already in a wave that name only Ethicon, Inc., Ethicon, LLC and/or Johnson & Johnson (the “Ethicon defendants”) or allege claims against only the Ethicon defendants’ products. These cases, attached hereto as Exhibit A, will be known as the “Ethicon Wave 5 cases,” and it is **ORDERED** as follows:

A. SCHEDULING DEADLINES. The following deadlines shall apply in the Ethicon

Wave 5 cases:

Plaintiff Fact Sheets.	03/22/2017
Defendant Fact Sheets.	04/22/2017
Deadline for written discovery requests.	06/05/2017
Expert disclosure by plaintiffs.	05/22/2017
Expert disclosure by defendants.	06/19/2017
Expert disclosure for rebuttal purposes.	07/05/2017
Deposition deadline and close of discovery.	07/19/2017
Filing of Dispositive Motions.	08/08/2017
Response to Dispositive Motions.	08/22/2017
Reply to response to dispositive motions.	08/29/2017
Filing of <i>Daubert</i> motions.	08/15/2017
Responses to <i>Daubert</i> motions.	08/29/2017
Reply to response to <i>Daubert</i> motions.	09/05/2017

1. **Discovery Completion Date.** The last date to complete depositions shall be the “discovery completion date” by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed.

2. **Limitations on Interrogatories, Requests for Admissions and Depositions.** The following limitations apply:

- a. Defendants are limited to 10 interrogatories, 10 requests for production of documents and 10 requests for admission per plaintiff.
- b. Each plaintiff is limited to 10 interrogatories, 10 requests for production of documents and 10 requests for admission to the Ethicon defendants.
- c. In each individual member case, no more than 4 treating physicians may be deposed.¹
- d. Depositions of plaintiff’s friends and family members may be taken at any time prior to trial provided the deposition is requested before the discovery completion date.
- e. Depositions of any witness are limited to 3 hours absent agreement of the parties.
- f. The court will consider modifications to the above limitations upon good cause shown.

3. **Limitations on Experts.** The following limitations related to experts apply:

¹ To the extent disputes arise regarding the division of time between the parties for the deposition of treating physicians (three hours total absent agreement), I will address those disputes, rather than the assigned Magistrate Judge, Judge Eifert.

- a. The parties may conduct general and specific expert discovery on the products at issue in Ethicon Wave 5. In light of the bellwether trials, Waves 1, 2, 3 and 4 and the substantial discovery conducted to date on the Ethicon defendants' products, the parties are cautioned not to engage in duplicative general expert discovery, but instead, to tailor their discovery to the remaining Ethicon defendants' products at issue (to the extent such discovery is necessary), supplementing any discovery already completed and conducting specific causation discovery for the Ethicon Wave 5 plaintiffs. In light of the common products involved in Ethicon Wave 5, the likelihood of overlap in expert opinion from one case to another (except as to specific causation) and the need to streamline discovery in these cases, **each side is limited to no more than five (5) experts per case (exclusive of treating physicians)**. It is the court's expectation that these experts will overlap for plaintiffs who have the same product(s), to some extent, if not entirely.
- b. The parties shall coordinate the depositions of general causation experts. Insofar as multiple plaintiffs utilize the same general causation expert or experts, those experts shall be deposed only once on the issue of general causation. As to Ethicon's experts, plaintiffs are instructed to choose a lead questioner.
- c. The court encourages the coordination of depositions of specific causation experts to the extent there is overlap in the parties' use of specific causation experts for multiple plaintiffs.

- d. The court will consider modifications to the above limitations upon good cause shown.

B. MOTION PRACTICE.

1. **Daubert Motions.** For the filing of *Daubert* motions on general causation issues only, the parties are instructed to file one *Daubert* motion per expert in the main MDL (MDL 2327) instead of the individual member case. Each side may file one response and one reply in the main MDL to each *Daubert* motion.² This limitation does not apply to specific causation *Daubert* motions, responses and replies. Specific causation *Daubert* motions, responses and replies must be filed in the individual member cases. To the extent an expert is both a general and specific causation expert, the parties may file a general causation motion in the main MDL 2327 and an individual specific causation motion in an individual member case.

2. **Hearings.** Hearing dates for dispositive and *Daubert* motions, if any, will be set at a future status conference.

3. **Page Limitations.** The page limitations provided in Local Rule of Civil Procedure 7.1(a)(2) apply to memoranda in support of all dispositive and *Daubert* motions, oppositions, and replies, and the court will not be inclined to grant motions to exceed the page limit.

4. **Confidential Documents.** In the past, the court has permitted parties to file placeholder exhibits in support of *Daubert*, dispositive and other motions, responses and replies in the place of confidential documents that may be sealed and then, within five days, redact/dedesignate the documents or file a motion to seal. *Moving forward, the court will no longer permit this practice. Parties may no longer file placeholder exhibits.* The court expects leadership

² If parties wish to adopt previous *Daubert* motions on general causation experts, they may so indicate in a filing in the main MDL 2327.

counsel for plaintiffs and the Ethicon defendants to resolve issues related to confidential designations well before the filing of motions. Filings containing placeholder exhibits will be struck. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: A consolidated motion to seal is due on or before **June 28, 2017**, any response is due **July 12, 2017** and any reply is due **July 19, 2017**.

5. **Locations of Filings.** With the exception of the general causation *Daubert* motions as outlined above, the parties are reminded that they must file dispositive and *Daubert* motions on specific causation, responses and replies in the applicable member cases only, not in the Ethicon MDL.

C. CASES READY FOR TRANSFER, REMAND OR TRIAL

1. **Venue Recommendations.** By no later than **June 30, 2017**, the parties shall meet and confer concerning the appropriate venue for each of the cases, and the parties shall submit joint venue recommendations to the court by **July 10, 2017**. The parties' joint recommendation(s) shall identify the cases about which the recommended venue is in dispute. The court may then request briefing concerning the venue for those cases about which the parties disagree. Each party reserves the right to object to the venue selected by its adversary or the court.

2. **Transfer and Remand.** At the conclusion of pre-trial proceedings, the court, pursuant to PTO # 15 and 28 U.S.C. § 1404(a), will transfer each directly-filed case to a federal district court of proper venue as defined in 28 U.S.C. § 1391. In the alternative, pursuant to PTO # 15 and 28 U.S.C. § 1407, cases that were transferred to this court by the MDL panel shall

be remanded for further proceedings to the federal district court from which each such case was initially transferred.³

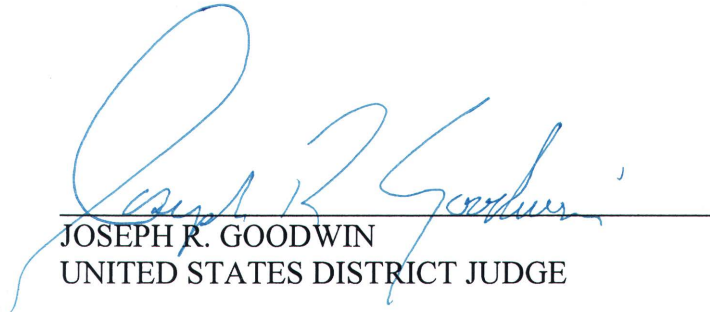
3. **Trial Settings.** If a case is to be tried in the United States District Court for the Southern District of West Virginia (either by agreement of the parties or where venue in the Southern District is determined to be proper by the court), the case shall be deemed trial-ready when discovery is completed and the court rules on the parties' pretrial motions. The trial date for cases transferred or remanded to other federal district courts shall be set by the judge to whom the transferred or remanded case is assigned (including the undersigned through intercourt assignment).

D. COMMON BENEFIT TIME. I have entered a number of Pretrial Orders related to the eventual recovery of the cost of special services performed and expenses incurred by participating counsel in this and the other MDLs assigned to me. While I have not yet expressed an opinion regarding whether payment of common benefit fees is appropriate, nor will I here, I direct the parties' attention to PTO # 18, and its warning that "[n]o time spent on developing or processing purely individual issues in any case for an individual client (claimant) will be considered or should be submitted, nor will time spent on any unauthorized work." Pretrial Order No. 18, ECF No. 282, ¶ C. The nature of this litigation persuades me that I should inform counsel that at this point in the litigation, where most if not all of the general causation discovery has been completed, it is difficult to envision that any work performed by counsel on individual wave cases would rise to the level of common benefit work.

³ As expressly contemplated by PTO # 15, the Ethicon defendants do not waive their right to seek transfer—pursuant to 28 U.S.C. § 1406(a) or any other available ground—of any case to a court of proper venue, regardless of whether that case was transferred to or directly-filed in the Southern District of West Virginia.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 **and in the Ethicon Wave 5 cases listed on Exhibit A**. In cases subsequently filed in this district after 2:17-cv-01324, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: February 21, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A
TO PTO # 248

No.	Case	Civil Action Number
1	Blackburn, Judy & Ronald	2:12-cv-05605
2	Hoggatt, Laurie & Paul	2:12-cv-05667
3	Surcey, Tammy	2:12-cv-05668
4	Green, Patricia & Jackie	2:12-cv-05688
5	Franklin, Chasidy	2:12-cv-05708
6	Parks, Beatrice & Curtis	2:12-cv-05724
7	Walkowiak, Carol & Joseph	2:12-cv-05727
8	Cleveland, Sherry & Jeff	2:12-cv-05747
9	Clowes, JoAnn	2:12-cv-05749
10	Aldridge, Margaret	2:12-cv-05750
11	McKee, Patricia & Samuel	2:12-cv-05766
12	Holmes, Sheila & Robert	2:12-cv-05767
13	Deaton, Sherry P.	2:12-cv-05774
14	Glaser, Judy & Bill	2:12-cv-05776
15	Baez, Diana	2:12-cv-05787
16	Bergstrom, Julie Keller	2:12-cv-05789
17	Phelps, Teresa L.	2:12-cv-05790
18	Nethercott, Betty	2:12-cv-05802
19	Spangler, Mary	2:12-cv-05823
20	Geraty, Elaine G.	2:12-cv-05830
21	Reder, Mary K.	2:12-cv-05832
22	Shaw, Susan	2:12-cv-05833
23	Roath, Amata Gayle	2:12-cv-05841
24	Sabatino, Teresa	2:12-cv-05843
25	Walker, Lavonda M. & James	2:12-cv-05863
26	Thaxton, Dortha & Curtis	2:12-cv-05868
27	Kennedy, Lillian M.	2:12-cv-05870
28	Bibb, Alice F. & Don	2:12-cv-05882
29	Sanders, Jeri K. & Larry A.	2:12-cv-05883
30	Turner, Norma J. & Lindel	2:12-cv-05892
31	Junkin, Barbara & Robert	2:12-cv-05894
32	Endicott, Judy M. & Gary	2:12-cv-05916
33	Lindsey, Becky & Jason	2:12-cv-05935
34	Partain, Deborah	2:12-cv-05958
35	Robertson, Nova Darlene & Dennis	2:12-cv-05959
36	Stevens, Mona L. & Ira P., Sr.	2:12-cv-05972
37	Trenidad, Angelita	2:12-cv-05974
38	Greenberg, Phyllis & Robert	2:12-cv-05996
39	Newitt, Ellen & Brian	2:12-cv-05998
40	Saucedo-Casares, Ernestine & Rolando Casares	2:12-cv-06041
41	Addy, Valerie Jo & Mitchell	2:12-cv-06044
42	Odens, Jill & James	2:12-cv-06055
43	Kulenkamp, Joan & Stanley	2:12-cv-06070

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No.	Case	Civil Action Number
44	Singleton, Suzette	2:12-cv-06077
45	Patterson, Elizabeth	2:12-cv-06081
46	Morales-Donaldson, Linda & Richard	2:12-cv-06088
47	Collins, Cynthia	2:12-cv-06095
48	Cox, Blake	2:12-cv-06096
49	Dynes, Donna & Bobby	2:12-cv-06104
50	Zepp, Nancy & Leonard	2:12-cv-06124
51	Jeffery, Melissa & Dewey	2:12-cv-06130
52	Thompson, Lissa	2:12-cv-06140
53	Reyes, Monnica & Marces	2:12-cv-06141
54	Hammond, Helen	2:12-cv-06158
55	Harrison, Lela B. & Larry	2:12-cv-06160
56	Murphy, Melinda S.	2:12-cv-06161
57	Underwood, Martha A. & Daniel Cancio	2:12-cv-06162
58	Jackson, Ann	2:12-cv-06166
59	Wyatt, Mabel	2:12-cv-06168
60	Thompson, Anna M.	2:12-cv-06179
61	Wren, Susan G.	2:12-cv-06180
62	Crawford, Rosa M.	2:12-cv-06181
63	Fender, Lula F.	2:12-cv-06182
64	Schwartz, Genevieve S.	2:12-cv-06184
65	Te Ronde, Sherry L.	2:12-cv-06195
66	Lenderman, Mary & James, Sr.	2:12-cv-06216
67	Jennings, Iris A. & Michael	2:12-cv-06217
68	Wood, Mary L.	2:12-cv-06218
69	Washburn, Suzanne & Christopher	2:12-cv-06248
70	Skurat, Tialisa L.	2:12-cv-06250
71	Rich, Dorothy M.	2:12-cv-06269
72	Russell, Ruth	2:12-cv-06291
73	Gregersen, Gina Lynn	2:12-cv-06299
74	Rose-Carter, Tawana & Robert	2:12-cv-06301
75	Higgins, Helen	2:12-cv-06315
76	Cochran, Donna Ann & Harry C. Wiggins	2:12-cv-06317
77	Timmerman, Nancy L. & John C.	2:12-cv-06329
78	O'Donnell, Carolyn	2:12-cv-06330
79	Minter, Polly A.	2:12-cv-06356
80	Bitowt, Suylane & John	2:12-cv-06357
81	O'Dell, Joyce	2:12-cv-06358
82	Ancona, Angel & Roy, Sr.	2:12-cv-06379
83	Alello, Jacqueline & Ronald	2:12-cv-06381
84	Burden, Gayle & Michael	2:12-cv-06383
85	Callahan, Sonja & Layn	2:12-cv-06387
86	Davis, Ethel	2:12-cv-06388

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No.	Case	Civil Action Number
87	Garrison, Cherrie	2:12-cv-06390
88	Kempf, Diana	2:12-cv-06394
89	Paschke, Anna L.	2:12-cv-06399
90	Picou, Esther	2:12-cv-06403
91	Redden, Regina Beth	2:12-cv-06405
92	Reeves, Virginia & Richard	2:12-cv-06408
93	Scuderi, Lynn A.	2:12-cv-06409
94	Waites, Marie & Paul A.	2:12-cv-06410
95	Jackson, Michele	2:12-cv-06426
96	Carman, Roxanne	2:12-cv-06428
97	Lloyd, Jane	2:12-cv-06430
98	Wells, Stephanie & Larry	2:12-cv-06438
99	Gaston, Deborah	2:12-cv-06473
100	Bell, Tammy Louise & Shandon	2:12-cv-06474
101	Hillard, Arterbell D. & Edwin	2:12-cv-06475
102	Clark, Phyllis	2:12-cv-06481
103	Friberg, Glorida & Henry	2:12-cv-06500
104	Kates, Karen	2:12-cv-06503
105	Peters, Rose & George	2:12-cv-06504
106	Brown, Gwendolyn	2:12-cv-06508
107	Flynn, Rosemary & James A.	2:12-cv-06510
108	Jonus, Angela & Chris	2:12-cv-06511
109	Paulman, Sharon & Randy	2:12-cv-06512
110	Rabon, Denesesea	2:12-cv-06514
111	Remy, Carine & Patrick Jabovin	2:12-cv-06515
112	Lewis, Katherine	2:12-cv-06524
113	Cargle, Rita	2:12-cv-06526
114	Hickerson, Mary Ann & Thomas	2:12-cv-06529
115	Larson, Judi & William	2:12-cv-06531
116	Matthews, Loretta	2:12-cv-06532
117	Woodie, Renee & Keith Cummings	2:12-cv-06534
118	Williams, Chiquita Martin & Everett	2:12-cv-06554
119	Kincaid, Rosemarie & Edward	2:12-cv-06560
120	Rosario, Sylvia	2:12-cv-06561
121	Nichols, Nancy & David	2:12-cv-06562
122	Hewitt, Jody Arlene & Jack	2:12-cv-06564
123	Styles, Dixie C. & Tim F.	2:12-cv-06565
124	Taylor, Cathy Lynn	2:12-cv-06566
125	Wilcher, Patricia	2:12-cv-06573
126	Henstrom, Melanie & William	2:12-cv-06579
127	Foy, Connie & Charles	2:12-cv-06589
128	Durkin, Kristy & Brian	2:12-cv-06632
129	Parr, Lynn & Christopher	2:12-cv-06637

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No.	Case	Civil Action Number
130	Conley, Peggy & Wesley, McCook	2:12-cv-06638
131	Shook, Brenda	2:12-cv-06651
132	Pelletier, Diane	2:12-cv-06664
133	Roberts, Carol Ann & Roland D., Sr.	2:12-cv-06666
134	Coulson, Shirley J.	2:12-cv-06671
135	Roof, Mary	2:12-cv-06683
136	Alvarez, Abigail & Adrian Quito	2:12-cv-06687
137	Barekzi, Lida & Amin Barek	2:12-cv-06701
138	Cavallaro, Lisa	2:12-cv-06729
139	Sweeney, Karen	2:12-cv-06736
140	Barnes, Danyeale & Tommy	2:12-cv-06737
141	Pegg, Brenda L.	2:12-cv-06738
142	Collier, Sheri & Robert	2:12-cv-06739
143	Stone, Barbara J. & Gary R.	2:12-cv-06740
144	Bland, Ethel L. & Fred	2:12-cv-06748
145	Bell, Patricia D. & Joseph	2:12-cv-06750
146	Winters, Betty A. & Gary	2:12-cv-06753
147	Oddo, Karen V. & Nicholas	2:12-cv-06762
148	Thompson, Rebecca Lynne & Todd	2:12-cv-06769
149	Pavlekovich, Tamara & John	2:12-cv-06772
150	Kaul, Jacqueline D. & Randolph	2:12-cv-06781
151	Smiley, Rebecca Neel	2:12-cv-06798
152	Barone, Deborah & August	2:12-cv-06802
153	Horvath, Marie	2:12-cv-06810
154	Sauer, Carol & William Conner	2:12-cv-06818
155	Conrath, Patrice & Michael	2:12-cv-06823
156	Anthony, Deanna & William E.	2:12-cv-06831
157	Buckner, Marion	2:12-cv-06837
158	Kurelmeyer, Alta & Cliff	2:12-cv-06842
159	Wright, Rebecca	2:12-cv-06844
160	Afflitto, Mary Ann & Patrick	2:12-cv-06858
161	Stemmer, Ellen J.	2:12-cv-06861
162	Higginbotham, Charlotte & Tilton Ray	2:12-cv-06868
163	Wagoner, Rosemary & Charlie	2:12-cv-06871
164	Brown, Alfreda & Stephen	2:12-cv-06872
165	Parker, Johnnie Maria & Bryant Eugene	2:12-cv-06874
166	Sandy, Ruth Lucille (deceased)	2:12-cv-06875
167	Clowe, Paula Carole & Audie L. Pope	2:12-cv-06893
168	Wilks, Edna & Herman	2:12-cv-06896
169	Holland, Virida & Benjamin	2:12-cv-06907
170	Stern, Michele	2:12-cv-06914
171	Hollan, Sandy & David	2:12-cv-06924
172	Oliver, Sylvia	2:12-cv-06950

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No.	Case	Civil Action Number
173	Jacob, Liberty & Jack	2:12-cv-06954
174	Weatherford, Angela S. & Thomas	2:12-cv-06958
175	Vonderwahl, Candace & Jim	2:12-cv-06990
176	Miller, Cynthia & James J.	2:12-cv-07028
177	Newman, Deborah H.	2:12-cv-07031
178	Rogers, Martina Jo & Billy W.	2:12-cv-07032
179	Sciumbata, Teresa & Giuseppe	2:12-cv-07037
180	Pearson, Pauline M.	2:12-cv-07074
181	Diaz, Judy H. & Francisco	2:12-cv-07076
182	Whittaker, Robin E.	2:12-cv-07077
183	Nearhood, Tonya	2:12-cv-07099
184	Ross, Eileen J. & James	2:12-cv-07108
185	Cook, Donna	2:12-cv-07113
186	Brattin, Cheri & Daryl	2:12-cv-07134
187	Kramer, Susan & Lorin	2:12-cv-07142
188	Mixon, Gwendolyn C.	2:12-cv-07143
189	Palozzolo, Grace	2:12-cv-07160
190	Whedon, Debbie Ann	2:12-cv-07162
191	Chizek, Ramona & Kenneth	2:12-cv-07163
192	Arnold, Alice P. & Scott D.	2:12-cv-07176
193	Graves, Tina & Horace E.	2:12-cv-07177
194	Anderson, Linda K. & Jack Marion	2:12-cv-07189
195	Armstrong, Janice A. & Edward Leon, Jr.	2:12-cv-07190
196	Duke, Yvonne Jean	2:12-cv-07211
197	Dalton, Pamela G.	2:12-cv-07213
198	Richardson, Kathleen Marion & John Parks	2:12-cv-07214
199	Abate, Beverly	2:12-cv-07238
200	Gray, Ora Kay & Clarence Allen	2:12-cv-07251
201	Hawks, Christie S.	2:12-cv-07257
202	Alvarez, Connie	2:12-cv-07269
203	Morgan, Lori & William	2:12-cv-07270
204	Roberts, Rebecca	2:12-cv-07272
205	Huffmaster, Betty R. & Jeff	2:12-cv-07274
206	Rife, Darlene Patricia & Buddy Lee	2:12-cv-07279
207	Ontiveros, Irene & Armando	2:12-cv-07280
208	Nunan, Karen L. & Timothy	2:12-cv-07282
209	Martinez, Gloria Tapia	2:12-cv-07295
210	Hinderberger, Josephine	2:12-cv-07308
211	Pigg, Felicia	2:12-cv-07320
212	Claypool, Sarah & Timothy	2:12-cv-07325
213	Doaks, Kyna & Stanley	2:12-cv-07330
214	Eubanks, Wanda	2:12-cv-07334
215	Fritsch, Patrice & Craig	2:12-cv-07336

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No.	Case	Civil Action Number
216	Garcia, Linda	2:12-cv-07337
217	Abadie, Mary J.	2:12-cv-07356
218	Eisenbath, Dorothy	2:12-cv-07361
219	Gilyana, Larissa & Calvin	2:12-cv-07362
220	Hendrickson, Susan	2:12-cv-07363
221	Hoover, Janet & Freeman William Michael	2:12-cv-07365
222	Levine, Patricia & David	2:12-cv-07370
223	Love, Virginia	2:12-cv-07376
224	Navaroli, Pam	2:12-cv-07379
225	Newton, Dorothy	2:12-cv-07380
226	Owen, Shirley	2:12-cv-07382
227	Bienvenu, Anne	2:12-cv-07388
228	Brandy, Sheri	2:12-cv-07389
229	Mackaben, Teri K. & Chester T.	2:12-cv-07390
230	Peterson, Mardie	2:12-cv-07395
231	Ishmael, Lisa & Richard	2:12-cv-07409
232	Avant, Debbie & Jack	2:12-cv-07413
233	Forpomes, Danielle	2:12-cv-07414
234	Ball, Sammie Marie	2:12-cv-07415
235	Bohne, Chantel	2:12-cv-07417
236	Ross, Veronica A.	2:12-cv-07419
237	Platt, Mary Lee & Clair	2:12-cv-07420
238	Jarrell, Kimberly & Stevie Lee	2:12-cv-07422
239	Sampson, Beverly	2:12-cv-07424
240	Bordelon, Jane & Frederick, III	2:12-cv-07431
241	Brehm, Sandra	2:12-cv-07433
242	Webb, Nancy	2:12-cv-07442
243	Shook, Maria & Peter	2:12-cv-07446
244	Jones, Leslie & Calvin	2:12-cv-07476
245	Lee, Amy	2:12-cv-07478
246	Sutherlin, Anita	2:12-cv-07479
247	Thorson, Rachel & James	2:12-cv-07481
248	Shary, Maureen & Dennis M.	2:12-cv-07483
249	Lipscomb, Marsha	2:12-cv-07485
250	Dupont, Catherine & Richard	2:12-cv-07490
251	Dobard, Raja	2:12-cv-07493
252	Bybel, Celeste P.	2:12-cv-07495
253	Morrison, Anne R.	2:12-cv-07496
254	Orozco, Elia	2:12-cv-07498
255	Roberts, Judy M.	2:12-cv-07499
256	Garner, LaDonna G.	2:12-cv-07501
257	Motes, Johnnie E. & James E.	2:12-cv-07504
258	Slaybaugh, Rebecca Ann & Michael William	2:12-cv-07511

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No.	Case	Civil Action Number
259	Woods-Fraley, Betty & Steven	2:12-cv-07515
260	Fremin, Margaret Richard	2:12-cv-07523
261	Frame, Patsy	2:12-cv-07524
262	Huffman, Catherine	2:12-cv-07525
263	Gillson, Carolyn A. & Robert	2:12-cv-07537
264	Grindle, Marcia A. & Charles S.	2:12-cv-07538
265	Brantner, Rebecca & Donald	2:12-cv-07539
266	Nally, Carolyn	2:12-cv-07542
267	Weberg, Monica M. & Richard B.	2:12-cv-07553
268	Masi, Lorraine S.	2:12-cv-07555
269	Jaufre, Dianne	2:12-cv-07573
270	Heintz, Kathleen	2:12-cv-07579
271	Harris, Sabrina	2:12-cv-07582
272	Coffey, Sharon	2:12-cv-07620
273	Galaski, Carla & Greg	2:12-cv-07621
274	Baldwin, Angela & Robert	2:12-cv-07623
275	Broderick, Alicia & Michael	2:12-cv-07625
276	Owens, Carmen	2:12-cv-07637
277	Miller, Joycelyn	2:12-cv-07644
278	McCoy, Clarisa	2:12-cv-07646
279	Lockwood, Maria	2:12-cv-07649
280	Montgomery, Gloria	2:12-cv-07653
281	Adams, Lesa	2:12-cv-07658
282	Campbell, Lisa O.	2:12-cv-07659
283	Stock, Sandra L. & Raymond W., Jr.	2:12-cv-07664
284	Clemons, Sheila	2:12-cv-07669
285	Wright, Debbie	2:12-cv-07676
286	Fox, Stacy L.	2:12-cv-07677
287	Barnes, Martha R. & James H.	2:12-cv-07682
288	Lenard, Karlana G.	2:12-cv-07684
289	Fabbrini, Laura T. & Wayne	2:12-cv-07686
290	Patrick, Belinda	2:12-cv-07688
291	Harris, Angela D.	2:12-cv-07689
292	Thomas-Krafka, Mary Jo Ann & Frank	2:12-cv-07693
293	Smith, Donna K. & William A	2:12-cv-07700
294	Murray, Sharon & Robert	2:12-cv-07705
295	Rayburn, Judy & Brian E.	2:12-cv-07711
296	Conrad, Toni Jo	2:12-cv-07718
297	Gibbs, Linda K.	2:12-cv-07744
298	Jones, Janet Pee	2:12-cv-07746
299	White, Mollie Sanders	2:12-cv-07748
300	Holley, Mary & Jimmy	2:12-cv-07750
301	Thomas, Nancy & Michael	2:12-cv-07751

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No.	Case	Civil Action Number
302	Carty, Janice	2:12-cv-07756
303	Harvey, Anita	2:12-cv-07768
304	Weaver, Karen & Victor E.	2:12-cv-07769
305	Latimer, Sherry S. & James	2:12-cv-07771
306	McKinnie, Amanda J.	2:12-cv-07773
307	Tichbourn, Loral	2:12-cv-07777
308	Terrebonne, Shirley	2:12-cv-07779
309	Taylor, Bessie & William, Sr.	2:12-cv-07784
310	Gartner, Ilene & Carlos	2:12-cv-07791
311	Guyton, Deborah	2:12-cv-07798
312	Phelps, Mary Alice	2:12-cv-07800
313	Massey, Vicky G.	2:12-cv-07801
314	Thompson, Rebecca	2:12-cv-07802
315	Mendiola, Rosario	2:12-cv-07805
316	Ollervidez, Maria Del Socorro	2:12-cv-07808
317	Hizen, Brenda C. & Peter M.	2:12-cv-07811
318	Patton, Yelandra	2:12-cv-07813
319	Pierel, Jennifer S.	2:12-cv-07822
320	Stephens, Carolyn K.	2:12-cv-07835
321	Perez, Irene	2:12-cv-07836
322	Fann, Carrie M.	2:12-cv-07837
323	Whalen, Connie & Timothy	2:12-cv-07839
324	Vazquez, Yadira & Ricardo	2:12-cv-07840
325	Sine, Mary & Charlie	2:12-cv-07842
326	Hosbrook, Patricia	2:12-cv-07843
327	Scott, Cassandra	2:12-cv-07846
328	Santana, Santa	2:12-cv-07849
329	Kasee, Susanne K.	2:12-cv-07851
330	Bethune, Susan & Ronnie Jerome	2:12-cv-07852
331	Martin, Linda A. & Henry	2:12-cv-07853
332	Balura, Cathy & Peter	2:12-cv-07854
333	Wessel, Christina	2:12-cv-07863
334	Appleton, Rita M. & Charles E.	2:12-cv-07872
335	Hogge, Vivian & Randy	2:12-cv-07873
336	Morse, Robin & Bruce	2:12-cv-07874
337	Hampton, Christina	2:12-cv-07875
338	Marcum, Lori & Joel	2:12-cv-07877
339	Tillman, Jamie & David	2:12-cv-07879
340	Mansfield, Kimberlie	2:12-cv-07880
341	Josey, Nancy	2:12-cv-07881
342	Zimmerman, Robyn I. & Len	2:12-cv-07883
343	Greenwood, Kassandra & Cody	2:12-cv-07889
344	Bass, June & Murray D.	2:12-cv-07891

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No.	Case	Civil Action Number
345	Butler, Rebecca & Buford	2:12-cv-07892
346	Blake, Patricia & Dale	2:12-cv-07901
347	Palmer, Teresa	2:12-cv-07902
348	Valentine, Katrina L.	2:12-cv-07904
349	Wilson, Denise	2:12-cv-07905
350	Chauvaux, Marjorie Anne	2:12-cv-07906
351	Bogue, Teresa	2:12-cv-07907
352	Eason, Carla & Edward Lester, Jr.	2:12-cv-07909
353	Ferguson, Beckie Ellen & William Arthur Bill	2:12-cv-07910
354	Boucher, Marie	2:12-cv-07912
355	Lombera, Nohemi	2:12-cv-07913
356	Oubre, Terry	2:12-cv-07914
357	Mitchell, Marianne B.	2:12-cv-07918
358	Salva, Sandra A. & Ronnie L., Jr.	2:12-cv-07920
359	Ronan, Linda M. & James M., III	2:12-cv-07922
360	Matovich, Virginia K. & Stanley P.	2:12-cv-07929
361	Harvey, Brenda	2:12-cv-07930
362	Marteney, Crystal	2:12-cv-07931
363	Levey, Phillip D., Trustee of the Estate of Deborah L. Czartoryski, deceased	2:12-cv-07933
364	Morrison, Ella	2:12-cv-07935
365	Prestage, Robin	2:12-cv-07936
366	Seelbach, Dorothy	2:12-cv-07940
367	Clazie, Shirley	2:12-cv-07945
368	Kitchens, Rebecca	2:12-cv-07947
369	Bailey, Jane	2:12-cv-07952
370	Orr, Patricia	2:12-cv-07959
371	Wilson, Rosemary & Charles W., Sr.	2:12-cv-07960
372	Landecche, Mary Alice & Nolan, Jr.	2:12-cv-07962
373	Duchene, Margaret L. & Ralph	2:12-cv-07968
374	Gaunt, Dawn & Roger L.	2:12-cv-07969
375	Wethal, Mary	2:12-cv-07976
376	Huntington-Sell, Marcia as personal representative of the estate of Fabian Huntington	2:12-cv-07979
377	Swanson, Ellen Jane	2:12-cv-07980
378	Jackson, Laretta	2:12-cv-07981
379	Halstead, Susan & J. Wesley	2:12-cv-07982
380	Hutcherson, Roberta & David	2:12-cv-07983
381	Cortez, Sonya	2:12-cv-07984
382	Stapleton, Shannon & Vansel	2:12-cv-07987
383	Pearson, Melissa	2:12-cv-07989
384	Adams, Jennifer & J.D.	2:12-cv-07990
385	Valverde, Jodi & Leffy	2:12-cv-07999

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No.	Case	Civil Action Number
386	McLain, Jamie & Travis	2:12-cv-08004
387	Prescott, Sherry & J.C.	2:12-cv-08012
388	Kaviratna, Hema & Padma	2:12-cv-08019
389	Shelor, Kathleen M.	2:12-cv-08030
390	Koepsel, Susan & Ned	2:12-cv-08031
391	Beaman, Gloria & Gregory N.	2:12-cv-08032
392	McLaughlin, Susan	2:12-cv-08043
393	Michael-Packer, Tracey & Percy	2:12-cv-08044
394	Rowan, Kathleen F.	2:12-cv-08045
395	Dawes, Glenda & Marvin, Sr.	2:12-cv-08048
396	DuBois, Virginia L. & Ronald	2:12-cv-08070
397	Davis, Mortisha & Keith	2:12-cv-08076
398	Leith, Sherrie	2:12-cv-08079
399	McCumber, Betty Linton	2:12-cv-08083
400	McClinsey, Sharon & Harvey	2:12-cv-08114

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**THIS DOCUMENT RELATES TO
ETHICON WAVE 7 CASES**

**PRETRIAL ORDER # 269
(Docket Control Order – Wave 7 Cases)**

I find that certain additional cases involving West Virginia plaintiffs should be placed in a Wave and worked up for trial. To that end, I have attached a list of West Virginia cases not already in an Ethicon Wave that name only Ethicon, Inc., Ethicon, LLC and/or Johnson & Johnson (the “Ethicon defendants”) or allege claims against only the Ethicon defendants’ products. These cases, attached hereto as Exhibit A, will be known as the “Ethicon Wave 7 cases.” Because the parties have conducted extensive discovery in Waves 1 through 6, I have shortened the deadlines in Wave 7. It is **ORDERED** as follows:

A. SCHEDULING DEADLINES. The following deadlines shall apply in the Ethicon

Wave 7 cases:

Plaintiff Fact Sheets.	10/25/2017
Defendant Fact Sheets.	11/27/2017
Deadline for written discovery requests.	12/27/2017
Expert disclosure by plaintiffs.	12/13/2017
Expert disclosure by defendants.	01/12/2018
Expert disclosure for rebuttal purposes.	01/26/2018
Deposition deadline and close of discovery.	02/09/2018
Filing of Dispositive Motions.	03/01/2018
Response to Dispositive Motions.	03/15/2018
Reply to response to dispositive motions.	03/22/2018

Filing of <i>Daubert</i> motions.	03/07/2018
Responses to <i>Daubert</i> motions.	03/21/2018
Reply to response to <i>Daubert</i> motions.	03/28/2018

1. **Discovery Completion Date.** The last date to complete depositions shall be the “discovery completion date” by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed.

2. **Limitations on Interrogatories, Requests for Admissions and Depositions.** The following limitations apply:

- a. The Ethicon defendants are limited to 10 interrogatories, 10 requests for production of documents and 10 requests for admission per plaintiff.
- b. Each plaintiff is limited to 10 interrogatories, 10 requests for production of documents and 10 requests for admission to the Ethicon defendants.
- c. In each individual member case, no more than 4 treating physicians may be deposed.¹
- d. Depositions of plaintiff’s friends and family members may be taken at any time prior to trial provided the deposition is requested before the discovery completion date.
- e. Depositions of any witness are limited to 3 hours absent agreement of the parties.
- f. The court will consider modifications to the above limitations upon good cause shown.

3. **Limitations on Experts.** The following limitations related to experts apply:

¹ To the extent disputes arise regarding the division of time between the parties for the deposition of treating physicians (three hours total absent agreement), I will address those disputes, rather than the assigned Magistrate Judge, Judge Eifert.

- a. The parties may conduct general and specific expert discovery on the products at issue in Ethicon Wave 7. In light of the bellwether trials, Waves 1, 2, 3, 4, 5 and 6 and the substantial discovery conducted to date, the parties are cautioned not to engage in duplicative general expert discovery, but instead, to tailor their discovery to the remaining Ethicon defendants' products at issue (to the extent such discovery is necessary), supplementing any discovery already completed and conducting specific causation discovery for the Ethicon Wave 7 plaintiffs. In light of the common products involved in Ethicon Wave 7, the likelihood of overlap in expert opinion from one case to another (except as to specific causation) and the need to streamline discovery in these cases, **each side is limited to no more than five (5) experts per case (exclusive of treating physicians)**. It is the court's expectation that these experts will overlap for plaintiffs who have the same product(s), to some extent, if not entirely.
- b. The parties shall coordinate the depositions of general causation experts. Insofar as multiple plaintiffs utilize the same general causation expert or experts, those experts shall be deposed only once on the issue of general causation. As to Ethicon's experts, plaintiffs are instructed to choose a lead questioner.
- c. The court encourages the coordination of depositions of specific causation experts to the extent there is overlap in the parties' use of specific causation experts for multiple plaintiffs.

- d. The court will consider modifications to the above limitations upon good cause shown.

B. MOTION PRACTICE.

1. **Daubert Motions.** For the filing of *Daubert* motions on general causation issues only, the parties are instructed to file one *Daubert* motion per expert in the main MDL (MDL 2327) instead of the individual member case. Each side may file one response and one reply in the main MDL to each *Daubert* motion.² This limitation does not apply to specific causation *Daubert* motions, responses and replies. Specific causation *Daubert* motions, responses and replies must be filed in the individual member cases. To the extent an expert is both a general and specific causation expert, the parties must file a general causation motion in the main MDL 2327 and an individual specific causation motion in an individual member case.

2. **Hearings.** Hearing dates for dispositive and *Daubert* motions, if any, will be set at a future status conference.

3. **Page Limitations.** The page limitations provided in Local Rule of Civil Procedure 7.1(a)(2) apply to memoranda in support of all dispositive and *Daubert* motions, oppositions, and replies, and the court will not be inclined to grant motions to exceed the page limit.

4. **Confidential Documents.** In the past, the court has permitted parties to file placeholder exhibits in support of *Daubert*, dispositive and other motions, responses and replies in the place of confidential documents that may be sealed and then, within five days, redact/dedesignate the documents or file a motion to seal. *Moving forward, the court will no longer permit this practice. Parties may no longer file placeholder exhibits.* The court expects leadership

² If parties wish to adopt previous *Daubert* motions on general causation experts, they may so indicate in a filing in the main MDL 2327.

counsel for plaintiffs and the Ethicon defendants to resolve issues related to confidential designations well before the filing of motions. Filings containing placeholder exhibits will be struck. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: A consolidated motion to seal is due on or before **January 16, 2018**, any response is due **January 30, 2018** and any reply is due **February 6, 2018**.

5. **Locations of Filings.** With the exception of the general causation *Daubert* motions as outlined above, the parties are reminded that they must file dispositive and *Daubert* motions on specific causation, responses and replies in the applicable member cases only, not in the Ethicon MDL.

C. PRETRIAL AND SETTLEMENT CONFERENCES

1. **Pretrial and Settlement Conferences:** The court shall notify the parties as to the date of the Pretrial and Final Settlement Conferences at a later date.

2. **Deposition Designations:** The court shall notify the parties as to the dates of affirmative deposition designation, including identifying exhibits to be offered through the deposition testimony, objections to an opposing party's designation and accompanying exhibits, and any counter-designations at a later date.

3. **Exhibit and Witness Lists, Proposed Integrated Pretrial Order and Proposed Jury Instructions/Special Interrogatories/Verdict Form:** The court shall notify the parties as to the dates of exchanging and/or filing of Exhibit and Witness Lists, Proposed Integrated Pretrial Order and Proposed Jury Instructions/Special Interrogatories/Verdict Form at a later date.

D. TRIAL

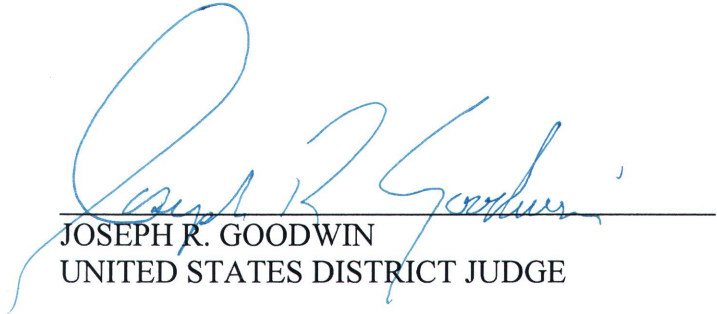
1. **Trial:** All Wave 7 cases will be set for trial beginning on **May 15, 2018 at 8:30 a.m.** at the United States District Court, Southern District of West Virginia, Room 6600 and will be tried seriatim without interruption, except for weekends and court holidays, as pending on the trial date until all remaining Wave 7 cases are completed.

E. COMMON BENEFIT TIME. I have entered a number of Pretrial Orders related to the eventual recovery of the cost of special services performed and expenses incurred by participating counsel in this and the other MDLs assigned to me. While I have not yet expressed an opinion regarding whether payment of common benefit fees is appropriate, nor will I here, I direct the parties' attention to PTO # 18, and its warning that "[n]o time spent on developing or processing purely individual issues in any case for an individual client (claimant) will be considered or should be submitted, nor will time spent on any unauthorized work." Pretrial Order No. 18, ECF No. 282, ¶ C. The nature of this litigation persuades me that I should inform counsel that at this point in the litigation, where most if not all of the general causation discovery has been completed, it is difficult to envision that any work performed by counsel on individual wave cases would rise to the level of common benefit work.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 **and in the Ethicon Wave 7 cases listed on Exhibit A.** In cases subsequently filed in this district after 2:17-cv-03944, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility

of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: September 8, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A
WAVE 7 CASES

Count	Case Number	Case Style
1	2:12-cv-08646	Perry et al v. Ethicon, Inc. et al
2	2:12-cv-08805	Horst et al v. Ethicon, Inc. et al
3	2:12-cv-09172	Trevail et al v. Ethicon, Inc. et al
4	2:12-cv-09311	Bryant et al v. Ethicon, Inc. et al
5	2:12-cv-09644	Spinks v. Ethicon, Inc. et al
6	2:13-cv-02563	Cline et al v. Ethicon, Inc. et al
7	2:13-cv-03373	Massey et al v. Ethicon, Inc. et al
8	2:13-cv-03398	Miller et al v. Ethicon, Inc. et al
9	2:13-cv-03487	Clutter et al v. Ethicon, Inc. et al
10	2:13-cv-03621	Dailey et al v. Ethicon, Inc. et al
11	2:13-cv-03758	Adams et al v. Ethicon, Inc. et al
12	2:13-cv-04514	Walls v. Ethicon, Inc. et al
13	2:13-cv-05489	Sheets et al v. Ethicon, Inc. et al
14	2:13-cv-05677	Harris v. Ethicon, Inc. et al
15	2:13-cv-06172	Adams et al v. Ethicon, Inc. et al
16	2:13-cv-06200	Crowder et al v. Ethicon, Inc. et al
17	2:13-cv-07057	Gorby v. Ethicon, Inc. et al
18	2:13-cv-07552	Perry v. Ethicon, Inc. et al
19	2:13-cv-07854	Musgrave et al v. Ethicon, Inc.
20	2:13-cv-08502	Hall et al v. Ethicon, Inc. et al

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21	2:13-cv-08506	Miller et al v. Ethicon, Inc. et al
22	2:13-cv-09237	Davis v. Ethicon, Inc. et al
23	2:13-cv-10287	Sawyer et al v. Ethicon, Inc. et al
24	2:13-cv-11946	Dove v. Ethicon, Inc. et al
25	2:13-cv-12827	Browning et al v. Ethicon, Inc. et al
26	2:13-cv-12972	Butler v. Ethicon, Inc. et al
27	2:13-cv-13263	Lane et al v. Ethicon, Inc. et al
28	2:13-cv-14448	Hager v. Ethicon, Inc. et al
29	2:13-cv-14694	Fleshman et al v. Ethicon, Inc. et al
30	2:13-cv-16151	Watts et al v. Ethicon, Inc. et al
31	2:13-cv-16271	Moore v. Ethicon, Inc. et al
32	2:13-cv-17140	Zande et al v. Ethicon, Inc. et al
33	2:13-cv-18487	McKinney et al v. Ethicon, Inc. et al
34	2:13-cv-18643	Samples v. Ethicon, Inc. et al
35	2:13-cv-20172	Thomas et al v. Ethicon, Inc. et al
36	2:13-cv-21184	Thomas et al v. Ethicon, Inc. et al
37	2:13-cv-22023	Morgan v. Ethicon, Inc. et al
38	2:13-cv-22854	Ferguson v. Ethicon, Inc. et al
39	2:13-cv-22900	Pritt et al v. Ethicon, Inc. et al
40	2:13-cv-22901	Farley v. Ethicon, Inc. et al
41	2:13-cv-25013	Patton et al v. Ethicon, Inc. et al

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42	2:13-cv-25932	Neely v. Ethicon, Inc. et al
43	2:13-cv-26601	Shivley et al v. Ethicon, Inc. et al
44	2:13-cv-26811	Higginbotham et al v. Ethicon, Inc. et al
45	2:13-cv-27170	Anderson et al v. Ethicon, Inc. et al
46	2:13-cv-27366	Renforth et al v. Ethicon, Inc. et al
47	2:13-cv-27727	Davis v. Ethicon, Inc. et al
48	2:13-cv-29380	Hurley v. Ethicon, Inc. et al
49	2:13-cv-31164	Jackson v. Ethicon, Inc. et al
50	2:13-cv-31232	Kerns et al v. Johnson & Johnson Corporation et al
51	2:13-cv-31240	Goodnight v. Ethicon, Inc. et al
52	2:13-cv-32037	Hanna et al v. Ethicon, Inc. et al
53	2:13-cv-32698	Stratton et al v. Ethicon, Inc. et al
54	2:14-cv-00081	Corfee et al v. Ethicon, Inc. et al
55	2:14-cv-01100	Hicks v. Ethicon, Inc. et al
56	2:14-cv-01379	Sutphin v. Ethicon, Inc.
57	2:14-cv-02800	Paynter et al v. Ethicon, Inc. et al
58	2:14-cv-02950	Casto et al v. Ethicon, Inc. et al
59	2:14-cv-03389	Cooper et al v. Ethicon, Inc. et al
60	2:14-cv-03398	Demcoe v. Ethicon, Inc. et al
61	2:14-cv-04174	Howell et al v. Ethicon, Inc. et al
62	2:14-cv-04366	Miller et al v. Ethicon, Inc. et al

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63	2:14-cv-06748	German v. Ethicon, Inc. et al
64	2:14-cv-07246	Sheets v. Ethicon, Inc. et al
65	2:14-cv-07281	Sheppard v. Ethicon, Inc. et al
66	2:14-cv-07467	Ryan v. Ethicon, Inc. et al
67	2:14-cv-07917	McNew v. Ethicon, Inc. et al
68	2:14-cv-07971	Gilkerson et al v. Ethicon, Inc. et al
69	2:14-cv-08149	Moore v. Ethicon, Inc. et al
70	2:14-cv-08427	Epling v. Ethicon, Inc. et al
71	2:14-cv-09014	Bailey v. Ethicon, Inc. et al
72	2:14-cv-09070	Garcia v. Ethicon, Inc. et al
73	2:14-cv-10224	Pruitt et al v. Ethicon, Inc. et al
74	2:14-cv-12186	Winals et al v. Ethicon, Inc. et al
75	2:14-cv-12441	Hanshaw et al v. Ethicon, Inc. et al
76	2:14-cv-12835	Jones v. Ethicon, Inc. et al
77	2:14-cv-12919	Kitchen v. Ethicon, Inc. et al
78	2:14-cv-14350	Whitt et al v. Ethicon, Inc. et al
79	2:14-cv-14412	Orndorff v. Ethicon, Inc. et al
80	2:14-cv-14497	Cadle v. Ethicon, Inc. et al
81	2:14-cv-14687	Lane et al v. Ethicon, Inc. et al
82	2:14-cv-15099	Meaige v. Ethicon, Inc. et al
83	2:14-cv-16229	Edwards et al v. Ethicon, Inc. et al

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84	2:14-cv-16478	Vandevender v. Ethicon, Inc. et al
85	2:14-cv-22107	Gunn v. Ethicon, Inc. et al
86	2:14-cv-24201	Lively v. Ethicon, Inc. et al
87	2:14-cv-25229	Velazquez v. Ethicon, Inc.
88	2:14-cv-25281	Christensen v. Ethicon, Inc. et al
89	2:14-cv-25281	Christensen v. Ethicon, Inc., et al
90	2:14-cv-25584	Vargas v. Ethicon, Inc. et al
91	2:14-cv-25603	Vugrinovich v. Ethicon, Inc. et al
92	2:14-cv-26253	Rowe et al v. Ethicon, Inc. et al
93	2:14-cv-28237	Starr v. Ethicon, Inc. et al
94	2:14-cv-28300	Anderson et al v. Ethicon, Inc. et al
95	2:14-cv-28853	Harless v. Ethicon, Inc. et al
96	2:14-cv-29176	Messer v. Ethicon, Inc.
97	2:14-cv-29917	Crane et al v. Ethicon, Inc. et al
98	2:14-cv-30297	Chatman v. Ethicon, Inc. et al
99	2:14-cv-30635	Morrison et al v. Ethicon, Inc. et al
100	2:14-cv-30787	Flowers v. Ethicon, Inc. et al
101	2:15-cv-00800	Absten et al v. Ethicon, Inc. et al
102	2:15-cv-02800	Dickson v. Ethicon, Inc. et al
103	2:15-cv-03033	Jewell v. Ethicon, Inc. et al
104	2:15-cv-03766	Phillips et al v. Ethicon, Inc. et al

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105	2:15-cv-04533	Aquino v. Ethicon, Inc. et al
106	2:15-cv-06267	Price v. Ethicon, Inc. et al
107	2:15-cv-11330	Watson et al v. Ethicon, Inc. et al
108	2:15-cv-11685	Woods et al v. Ethicon, Inc. et al
109	2:15-cv-12165	Bandy v. Ethicon, Inc. et al
110	2:15-cv-12552	Mendez et al v. Ethicon, Inc. et al
111	2:15-cv-12764	Michael v. Ethicon, Inc. et al
112	2:15-cv-13283	Johnson v. Ethicon, Inc. et al
113	2:15-cv-14261	Parkins et al v. Ethicon, Inc. et al
114	2:15-cv-14783	Mullins et al v. Ethicon, Inc. et al
115	2:15-cv-14871	Mueller v. Ethicon, Inc. et al
116	2:16-cv-00188	Oliverio et al v. Ethicon, Inc. et al
117	2:16-cv-01436	Casto v. Ethicon, Inc. et al
118	2:16-cv-01635	Demont v. Ethicon, Inc. et al
119	2:16-cv-01780	Murdock et al v. Ethicon, Inc. et al
120	2:16-cv-01994	Watts v. Ethicon, Inc. et al
121	2:16-cv-02193	Lyons v. Ethicon, Inc. et al
122	2:16-cv-03506	Prater et al v. Ethicon, Inc. et al
123	2:16-cv-03858	Hackler v. Ethicon, Inc. et al
124	2:16-cv-04003	Lantz v. Ethicon, Inc. et al
125	2:16-cv-04149	Bravo v. Ethicon, Inc. et al

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126	2:16-cv-04176	Wolfe et al v. Ethicon, Inc. et al
127	2:16-cv-04407	Gore et al v. Ethicon, Inc. et al
128	2:16-cv-05064	Westfall v. Ethicon, Inc. et al
129	2:16-cv-05082	Oliver et al v. Ethicon, Inc. et al
130	2:16-cv-05198	Lodato et al v. Ethicon, Inc. et al
131	2:16-cv-05965	Stepp v. Ethicon, Inc. et al
132	2:16-cv-06368	Perry et al v. Ethicon, Inc. et al
133	2:16-cv-09555	Young v. Ethicon, Inc. et al
134	2:16-cv-09879	McCauley v. Ethicon, Inc. et al
135	2:16-cv-10461	Johnson v. Ethicon, Inc. et al
136	2:16-cv-10986	Trembly v. Ethicon, Inc. et al
137	2:16-cv-11228	Dingess v. Ethicon, Inc. et al
138	2:16-cv-11448	Ball v. Ethicon, Inc. et al
139	2:16-cv-11923	Foster v. Ethicon, Inc. et al
140	2:16-cv-11943	Young v. Ethicon, Inc. et al
141	2:16-cv-12290	Wiblin v. Ethicon, Inc. et al
142	2:16-cv-12361	Walker v. Ethicon, Inc. et al
143	2:16-cv-12747	Wickline et al v. Ethicon, Inc. et al
144	2:17-cv-00376	Nichols v. Ethicon, Inc. et al
145	2:17-cv-00788	Leighton v. Ethicon, Inc. et al
146	2:17-cv-01801	Cricks v. Ethicon, Inc. et al

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147	2:17-cv-01875	Toney v. Ethicon, Inc. et al
148	2:17-cv-02116	Amos et al v. Ethicon, Inc. et al
149	2:17-cv-02857	Watkins v. Ethicon, Inc. et al
150	2:17-cv-03062	McNish v. Ethicon, Inc. et al